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Veto Session:

1 - 5	Day 1 - 9/11/02	6 - 8	Day 2 - 9/12/02
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JOURNAL OF THE SENATE
NINETY-FIRST GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND REGULAR SESSION

FIRST DAY--WEDNESDAY, JANUARY 9, 2002

The Senate was called to order at 12:00 noon by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

"See I am making all things new." (Rev. 21:05)

Almighty God, we are in our refurbished chamber ready to start this session in a new year with hearts and minds open and aware of the challenges and opportunities that are ahead of us. We are sadly mindful that we are not full strength and commend to Your eternal care Senator Paula Carter. And pray for Pastor Norfolk recovering well from a heart attack. During this new year, we rededicate this chamber and ourselves to this calling we are privileged to have and ask Your guidance so we might efficiently and effectively be of service to the people of Missouri. In Your Holy Name we pray. Amen.

The Cleveland Junior Naval Academy Color Guard, St. Louis, presented the Colors.

The Pledge of Allegiance was recited.

Senator Kenney announced that photographers from the St. Louis Post-Dispatch, KOMU-TV, the Associated Press, KRCG-TV, WDAF-TV, Kansas City, KMBC-TV, Kansas City, KMIZ-TV and KTVI-TV, St. Louis, had been given permission to take pictures in the Senate Chamber and the Senate photographer had been given permission to take video and use flash in the Senate Chamber and the Senate Gallery today.

RESOLUTIONS

Senator Kenney offered the following resolution, which was read:

SENATE RESOLUTION NO. 862

BE IT RESOLVED, by the Senate of the Ninety-first General Assembly of Missouri, Second Regular Session, that the rules adopted by the Ninety-first General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the rules for the control of the deliberations of the Senate of the Ninety-first General Assembly, Second Regular Session.

Senator Kenney moved that the above resolution be adopted.

At the request of Senator Kenney, the above motion was withdrawn.

Senator Staples requested a roll call vote be taken to establish a quorum. He was joined in his request by Senators Wiggins, Caskey, Schneider and Dougherty.

A quorum was established by the following vote:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Quick--1			
Vacancies--1			

The President of the Senate established for Wednesday, January 9, 2002, the Rules of the Senate to be Missouri Senate Rules of the 1st Legislative Session and where they are vague or absent of guidance the United States Senate Rules shall be used and where they are found vague or absent of guidance the Thomas Jefferson Manual on Parliamentary Practice shall be used.

RESOLUTIONS

Senator Kenney offered the following resolution, which was read:

SENATE RESOLUTION NO. 863

BE IT RESOLVED, by the Senate of the Ninety-first General Assembly of Missouri, Second Regular Session, that the rules adopted by the Ninety-first General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninety-first General Assembly, Second Regular Session.

Senator Kenney moved that the above resolution be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Rules of 2001, Page 42, by adding the following to the end of page 42:

"Rule 103. These rules shall expire on Monday, January 14, 2002.".

Senator Jacob moved that the above amendment be adopted, which motion failed by the following vote:

YEAS--Senators			
Bland	Caskey	DePasco	Dougherty
House	Jacob	Kennedy	Mathewson
Schneider	Staples	Stoll	Wiggins--12
NAYS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	Johnson
Kenney	Kinder	Klindt	Loudon
Rohrbach	Russell	Sims	Singleton
Steelman	Westfall	Yeckel--19	
Absent--Senator Klarich--1			
Absent with leave--Senator Quick--1			

Senator Schneider requested unanimous consent of the Senate to allow the assistant to Senator Caskey to position his chair close to the Senator so that they may easily communicate, which request was granted.

SB 863 was again taken up.

On motion of Senator Kenney, **SR 863** was adopted.

**MESSAGES FROM THE
SECRETARY OF STATE**

The President laid before the Senate the following communications from the Secretary of State, which were read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler

Jefferson City, Missouri

Madam:

I, Matt Blunt, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 3rd Senatorial District in the State of Missouri, on the 11th day of December, 2001, as provided by law, the following named person was elected to the office of State Senate, 3rd Senatorial District as shown by the election results certified to this office by the election authorities of the 3rd Senatorial District.

Name Office

Harry Kennedy State Senator

4959 Sutherland 3rd Senatorial District

St. Louis, MO 63109

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 27th day of December, 2001.

(Seal) Matt Blunt

Secretary of State

By Terry M. Jarrett

Acting Executive Deputy Secretary of State

Also,

To the Honorable Senate of the 91st General Assembly, Second Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri 2000, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 91st General Assembly (Second Regular Session) of the State of Missouri, elected at the General Election held in 1998; also a list of the names of the Senators elected at the General Election held in 2000 and Special Elections held in 2001.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 8th day of January, 2002.

Matt Blunt

(Seal) **SECRETARY OF STATE**

MISSOURI STATE SENATORS

ELECTED NOVEMBER 7, 2000 _____

District Name

1st Anita T. Yeckel

3rd Harry Kennedy*

5th vacant

7th John Loudon

9th Mary Groves Bland

11th Ronnie DePasco

13th Wayne Goode

15th Michael R. Gibbons

17th Edward E. Quick

19th Ken Jacob

21st James L. (Jim) Mathewson

23rd Chuck Gross

25th Bill Foster

27th Peter Kinder

29th Doyle Childers

31st Harold L. Caskey

33rd John T. Russell

* Elected at Special Election held December 11, 2001 to fill vacancy created by resignation of John Scott.

MISSOURI STATE SENATORS

ELECTED NOVEMBER 3, 1998

District Name

2nd Ted House

4th Patrick Dougherty*

6th Larry Rohrbach

8th Bill Kenney

10th Harry Wiggins

12th David G. Klindt**

14th John Schneider

16th Sarah Steelman

18th John W. Cauthorn***

20th Danny Staples

22nd Steve Stoll

24th Betty Sims

26th David J. Klarich

28th Morris Westfall

30th Roseann Bentley

32nd Marvin Singleton

34th Sidney Johnson

*Special Election held on January 24, 2001 due to resignation of William Clay

**Special Election held on January 24, 2001 due to resignation of Sam Graves

***Special Election held on January 24, 2001 due to resignation of Joe Maxwell

On roll call the following Senators were present:

Present--Senators

Bentley Bland Caskey Cauthorn

Childers DePasco Dougherty Foster

Gibbons Goode Gross House

Jacob Johnson Kennedy Kenney

Kinder Klarich Klindt Loudon

Mathewson Rohrbach Russell Schneider

Sims Singleton Staples Steelman

Absent with leave--Senator Quick--1

Vacancies--1

The Lieutenant Governor was present.

The President declared the Second Regular Session of the Ninety-first General Assembly convened.

RESOLUTIONS

Senator Kenney offered the following resolution, which was read and adopted: SENATE RESOLUTION NO. 864

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the Second Regular Session of the Ninety-first General Assembly is duly convened and is now in session and ready for consideration of business.

Senator Staples offered the following resolution, which was read and referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 865

WHEREAS, Senator Richard M. Webster, long considered one of the most powerful and eloquent men in Missouri politics, for over three decades helped forge legislation that made Missouri a better place to live, work, raise a family, and receive an education; and

WHEREAS, Richard M. Webster was first elected to the Missouri House of Representatives in 1948, serving briefly as House Speaker in the early 1950s, and was elected to the Missouri Senate in 1962, serving as Senate Minority Leader for several years, and remaining a vital member of the Missouri Senate until his untimely death on March 4, 1990; and

WHEREAS, Senator Webster was a spellbinding speaker who sprinkled his Senate speeches with quotations from Abraham Lincoln, the Bible, and references to Senate decisions in years gone by; and

WHEREAS, Senator Webster, who served in the U. S. Coast Guard in World War II and later became a lawyer, used his eloquence to sway juries as well as his fellow legislators; and

WHEREAS, while he was not widely known outside Jasper County and Jefferson City, Senator Webster built a reputation as one of the most influential legislators in the State of Missouri; and

WHEREAS, Senator Webster served for most of his years in the Senate as a member of the powerful Committee on Administration and was a driving force in that Committee's decision to enclose the areas adjacent to the Chamber, now known as the Pershing and Bingham Galleries:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, hereby designate the circular room on the west end of the Pershing Gallery adjoining the Senate Chamber on the third floor of the State Capitol as the "Richard M. Webster Room" in his honor; and

BE IT FURTHER RESOLVED that the Administration Committee cause the door to the room to be suitably inscribed.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 866

WHEREAS, the members of the Missouri Senate were truly saddened by the death of Ted Howard Baker of Kansas City, Missouri, on December 27, 2001, at the age of thirty-five; and

WHEREAS, preceded in death by his beloved mother, Judy Baker, Ted Baker is survived by a loving extended family which consists of his wife, Joan; two adorable children, six-year-old Michael and four-year-old Elizabeth; father, Jim Baker; grandmother, Eloise "Ebbie" Barnes; brother,

Andy Baker, and his wife, Lori; and three nieces and nephews, Katie, Matt, and Sarah; and

WHEREAS, born in 1966, Ted Baker grew up in Chillicothe, Missouri, and graduated from Chillicothe High School where he lettered in football, wrestling, and golf, and distinguished himself through competition in wrestling State Championships for four years in a row; and

WHEREAS, following an esteemed family tradition, Ted Baker attended the University of Missouri-Columbia, from which he earned a degree in 1988; and

WHEREAS, Ted Baker subsequently joined the staff of Edward Jones and worked in New York, Chicago, and St. Louis before establishing his own office in Mission, Kansas, in 1994; and

WHEREAS, Ted Baker loved his job and the people with whom his work brought him into contact, including his "office family" and his numerous clients; and

WHEREAS, a member of Visitation Catholic Church in Kansas City, Ted Baker worked with the Shawnee Mission Chamber of Commerce and Rotary Clubs; explored his limits and abilities with twice-weekly Tae Kwon Do classes; and fulfilled his spiritual yearnings for service through participation in church choir and leading first-grade Tiger Cubs at school:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to honor the outstanding life and exemplary legacy of the late Ted Baker and to convey this legislative body's most heartfelt condolences to all of his family, friends, and colleagues, each of whom miss the passage of his tremendous warmth and inspiration from their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late Ted Howard Baker of Kansas City, Missouri.

Senator Staples offered Senate Resolution No. 867, regarding Bill Hall, Farmington, which was adopted.

Senator Staples offered Senate Resolution No. 868, regarding Peggy Firestine, Bonne Terre, which was adopted.

President Pro Tem Kinder assumed the dais and addressed the members of the Senate.

Lt. Gov. Maxwell, fellow Senators, distinguished guests, and special friends, ladies and gentlemen. Isn't it great to be back up here?

In my reading last year, I ran across a wonderful line from Albert Einstein. Quoting that great man:

"The most beautiful thing we can experience is the mysterious. It is the source of all true art and science. He to whom this emotion is a stranger, who can no longer pause to wonder and stand rapt in awe, is as good as dead; his eyes are closed."

Surely upon entering this familiar old Senate chamber, we must all stand in awe at the beauty and majesty that surrounds us. This historic chamber, featuring these magnificent columns with their echoes of our Greco-Roman heritage, was before the most recent renovation already one of the grand legislative chambers in the world. Now it takes its place as incontestably among the most beautiful. In this magnificent renovation, the best of the art and science of which Einstein took note have combined to prepare this place for us to transact the people's business.

Sir Isaac Newton remarked that if he were able to see great distances, it is because, he noted, "I stand on the shoulders of giants." So too, today, it is we, all of us as temporary custodians of these positions of public trust, who stand on the shoulders of giants. The giants are our forebearers, who built this magnificent state Capitol, joined by the people of Missouri today who, speaking through their elected representatives some four years and more ago, voted for a multi-year Capitol renovation. To all these, it seems to me, we, you and I, owe a debt of gratitude and a salute, and a pledge to them that the work we are about here and now will be worthy of all they have bequeathed to us.

Those of us who were here when the great Senator, Emory Melton departed, after, I believe, six terms, 24 years here, just five and a half years ago, will recall his valedictory address in this chamber. Now, for myself, I was certain that Emory, who was as respected as any Senator who ever served, would offer priceless pearls of wisdom for us. I listened intently, Emory offered us two pieces of advice, you will recall. Read the bills, and stay in your seat. I have a theory. My guess, and we're going to test this theory over the next four and a half months, is that the astounding beauty of the aesthetics in this chamber will encourage more, as Emory counseled, to remain in our seats.

Now, one of my favorite philosophers is the native St. Louisan, Yogi Berra. Once, Yogi was asked his reaction to the astonishing news that a Jew had become Lord-Mayor of Dublin. Yogi's reply?

"Only in America."

Only in America, it seems, could the events of the last year and more have unfolded. After a 53-year period of unbroken one-party control of the Missouri Senate, special elections a year ago produced what once seemed unthinkable. A Republican Party that during the 1930s had seated only three members out of 34, and as recently as the 1960s seated only seven members, held a majority in the Missouri Senate. A slim majority, at 18-16, to be sure, but nonetheless a majority. This followed an historic period from the November, 2000 election to the January 24 special-election in which the two party caucuses, regarding each other rather like two scorpions in the bottle, nonetheless negotiated an historic power-sharing agreement between the senator from Clay and me as "co-Pro Tems." This was made manifest to all the world as he and I shared the Pro Tem's constitutional duties on the ceremonial occasion at the inaugural of the governor and the other constitutional officers.

Again I say, "Only in America", and in this specific case, "Only in Missouri," where we were doing peacefully the kind of transfer of power that in other countries is accomplished only by force of arms and bloodshed. It was said of the power-sharing agreement, with some justification, that it was a model for the nation and even for the federal Senate, as well. In other states it had taken five days and longer to elect Senate officers, in the case of a tie; in Missouri, we did it in a few minutes, because of the responsible and grown-up approach we brought to this challenge.

Our first year, being a human-led enterprise, was not without the mistakes and missteps attendant on all human endeavor. If I may return to Yogi for just a moment, he once informed his listeners that his team would win "if we can capitalize on our mistakes."

It is with Yogi's sense of good humor and candor that I freely acknowledge my own mistakes and manifest shortcomings. I ask your good will and indulgence as we attempt to carry off something no member of my party has done since 1948, and pledge to return the same to all who offer it to me.

Now, as I move toward the conclusion of these remarks a look back on the work product of the last year is in order, if only to remind ourselves of the sessions we produced in the year just concluded. As the year 2001 began, among the extraordinary circumstances I have just recounted, predictions of little accomplishment were the order of the day. Most arm-chair observers, and more than a few of our own members, seemed certain that the split-party control of the House and Senate would doom any chance for a good session. For myself, I was never of this opinion, but it was as common as blackberries in July.

As an old Democratic presidential nominee, Al Smith, once said, "Let's look at the record."

The record reflects that on the night we adjourned sine die, May the 18th, the governor put out a press release claiming victory on 15 out of 18 legislative priorities. These included the remarkable passage of congressional redistricting - - passage few would have bet on just days before. Indeed, we are probably the only split-party legislature in America that passed a congressional redistricting map last year. Inside this agreement there was plenty for partisans of both sides to hate - - which may, if you think about it, be the test of a decent compromise in fulfilling what is, after all, our constitutional mandate. It stands as the remarkable and historic achievement that it is, and so requires no further embellishment from me or anyone else.

Then, following a session that saw passage of 15 out of 18 priorities, the governor called us into extraordinary session in September, specifying three subjects to be addressed. We senators convened early, well before the House came in, we stayed late and in eight days passed all three items the governor asked us to address and went home. He promptly signed all three.

This fall we completed a hiring process for vacancies in the staff of Senate Research, all but one of them owing to voluntary departure. We set up a screening panel headed by Marty Drewel and Joan Gummels, late of Senate Research, who recently left to become chief aide to the minority leader. Each will testify to three things, I believe: 1) that this speaker never involved himself in the process; 2) that no applicant was ever asked questions as to his or her politics; and 3) of most importance, that we were able to pick five candidates from the strongest pool of applicants our folks had ever seen.

All these lists I commend to you not to boast, still less to claim all these accomplishments as my own, for they belong to us all, but to make this overriding point: This record demonstrates beyond any contest that this Missouri Senate will work together with the governor and the speaker, across party lines, for the benefit of all Missourians, whenever we can achieve common ground.

It is equally important, however, to make this point as well: Where devotion to principle and constitutional government demand it, we will oppose any and all comers, including the governor, with equal vigor. The undisputed facts will show this to be true, as well.

As we convene today, we are well aware that we have present 32 of our full complement of 34 senators, with one vacancy to be filled at a special election next month. Sadly, some months ago, Senator Paula Carter died, after an extended battle with cancer. In attendance that morning at her funeral, I noticed, was more than half of the Senate at that funeral service, and still others I know had been present at the visitation the previous evening. I would, again, on behalf of all Senators, extend our heartfelt condolences to the friends, and to her family who survive.

We are also without, today, your Senate Minority Leader, the Senator from Clay. The Senator from Clay is recovering from surgery last Friday. I am told he is at home doing well, and expected to be with us very soon. We will all remember the Senator from Clay, his wife Jane, and his family in our hearts, and in our prayers.

And so, fortified by our strength of individual conviction and by our mutual respect and confidence, and by the rest we have earned since last we met in the cramped confines of a basement House hearing room, while this renovation proceeded, let us go forth to finish the work we are in. To air our differences, to be guided by the timeless truths etched into our walls, and not least, never to lose respect for each other as our sharply differing views clash inside this chamber. If we are true to these, then when we leave in May, of us it can be said that we did not betray the heritage bequeathed to you and me, and to all Missourians, despite our differences, Americans, one and all.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2001, while the Senate was not in session.

Joseph L. Adams, 924 Wild Cherry Lane, University City, St. Louis County, Missouri 63130, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2002, and until his successor is duly appointed and qualified; vice, Bonita J. Stepenoff, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Barbara Adelman, Democrat, 541 Fox Ridge Road, St. Louis, St. Louis County, Missouri 63131, as a member of the Dam and Reservoir Safety Council, for a term ending June 25, 2002, and until her successor is duly appointed and qualified; vice, Barbara Adelman, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Solomon Agin, Republican, 14194 Parliament Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Solomon Agin, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

Gilbert Alderson, 1218 Rock Road, DeSoto, Jefferson County, Missouri 63020, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2004, and until his successor is duly appointed and qualified; vice, Mark Schimweg, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Linda Allen, 3902 Cromwell Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, Linda Allen, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2001, while the Senate was not in session.

Donna L. Almond, D.O., Democrat, HCR, Box 2727, Wappapello, Butler County, Missouri 63966, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2004, and until her successor is duly appointed and qualified; vice, George Pipes, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2001, while the Senate was not in session.

Derek V. Alvarez, 8 Pine View Lane, Post Office Box 1097, Lake Ozark, Miller County, Missouri 65049, as a member of the Missouri Board of Therapeutic Massage, for a term ending June 17, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2001, while the Senate was not in session.

James B. Anderson, Democrat, 1489 South Ginger Blue Avenue, Springfield, Greene County, Missouri 65809, as a member of the State Highways and Transportation Commission, for a term ending October 13, 2007, and until his successor is duly appointed and qualified; vice, William E. Gladden, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

James R. Asahl, 2116 Tower Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, James R. Asahl, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2001, while the Senate was not in session.

Arthur A. Bante, 1917 Brookgreen Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri State Board of Nursing, for a term ending August 13, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

Laurie Barrow, 5601 Red Haw Lane, Kansas City, Platte County, Missouri 64151, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2004, and until her successor is duly appointed and qualified; vice, Jill Miller, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE

STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Joan L. Berkman, Republican, 180 North Brentwood Boulevard, Clayton, St. Louis County, Missouri 63105, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until her successor is duly appointed and qualified; vice, Joan L. Berkman, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Mari Ann Bihr, 1004 Prospect, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Mari Ann Bihr, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2001, while the Senate was not in session.

John A. Birch, 10106 Northwest 72nd Street, Weatherby Lake, Platte County, Missouri 64152, as Chairman of the State Board of Mediation, for a term ending October 25, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

John Blass, 104-19 East Green Meadows Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2001, while the Senate was not in session.

Bobby J. Blue, Democrat, 606 East 127th Street, Kansas City, Jackson County, Missouri 64145, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2001, while the Senate was not in session.

Charles Ward Bond, 400 South Oak Street, California, Moniteau County, Missouri 65018, as a member of the Commission for the Missouri Senior Rx Program, for a term ending October 31, 2004, and until his successor is duly appointed and qualified; vice, RSMo 208.553.1.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

John Boyer, Republican, 24 Hickory Street, Viburnum, Iron County, Missouri 65566, as a member of the Dam and Reservoir Safety Council, for a term ending September 5, 2002, and until his successor is duly appointed and qualified; vice, John Boyer, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Cynthia N. Brookshire, 48902 North 9th Street, Ozark, Christian County, Missouri 65721, as a member of the Board of Geologist Registration, for a term ending April 11, 2004, and until her successor is duly appointed and qualified; vice, Cynthia N. Brookshire, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Gail Brown-Rozelle, 4643 Tower Grove Place, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Gail Brown-Rozelle, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2001, while the Senate was not in session.

James H. Buford, Republican, 1 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the St. Louis Regional Convention and Sports Complex Authority, for a term ending May 31, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Shelley L. Burns, Route 2, Box 2615 H, Piedmont, Wayne County, Missouri 63957, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2002, and until her successor is duly appointed and qualified; vice, Shelley L. Burns, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2001, while the Senate was not in session.

Errol Bush, 4306 Melba Avenue, Northwoods, St. Louis County, Missouri 63121, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2005, and until his successor is duly appointed and qualified; vice, Annette Kolis Mandel, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Terry Butler, 211 Southeast 591 Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Head Injury Advisory Council, for a term ending July 1, 2003, and until his successor is duly appointed and qualified; vice, Terry Butler, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Mark A. Byington, 4239 Patterson School Road, Bonne Terre, St. Francois County, Missouri 63628, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2003, and until his successor is duly appointed and qualified; vice, Mark A. Byington, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2001, while the Senate was not in session.

James M. Caccamo, Ph.D., Democrat, 6700 Linden Road, Kansas City, Jackson County, Missouri 64113, as a member of the State Board of Senior Services, for a term ending August 30, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Jesse C. Caudle, 50 Sunrise Drive, Winfield, Lincoln County, Missouri 63389, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, Jesse C. Caudle, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31,

2001, while the Senate was not in session.

John R. Chapman, 1256 South Rock Hill Road, Webster Groves, St. Louis County, Missouri 63119, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2003, and until his successor is duly appointed and qualified; vice, Jack Williams, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Diliane M. Charles, 511 Bonhomme Forest Drive, St. Louis, St. Louis County, Missouri 63132, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Diliane M. Charles, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2001, while the Senate was not in session.

Lewis C. Chartock, Ph.D., 532 Midvale Avenue, St. Louis, St. Louis County, Missouri 63130, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, George Eberle, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2001, while the Senate was not in session.

Jean-Paul Chaurand, Democrat, 1741 Holly Street, Kansas City, Jackson County, Missouri 64108, as a member of the Missouri Minority Business Advocacy Commission, for a term ending September 2, 2004, and until his successor is duly appointed and qualified; vice, Homer Cavitte, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

Donald Claycomb, Route 2, Box 816, Linn, Osage County, Missouri 65051, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Sherri Coleman, 1207 Bellevue Avenue, St. Louis, St. Louis County, Missouri 63117, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until her successor is duly appointed and qualified; vice, Sherri Coleman, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2001, while the Senate was not in session.

Ruth Ann Condry, 331 North Madison, Raymore, Cass County, Missouri 64038, as a member of the State Board of Cosmetology, for a term ending July 1, 2005, and until her successor is duly appointed and qualified; vice, Nancy K. Wilson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2001, while the Senate was not in session.

Charlotte L. Connell, 707 North Third Street, Independence, Jackson County, Missouri 64150, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending August 16, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Michael David Conner, 9063 Highway YY, Strafford, Greene County, Missouri 65757, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2003, and until his successor is duly appointed and qualified; vice, Michael David Conner, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 3,

2001, while the Senate was not in session.

Colleen K. Conrad, 4402 Hencken Road, Wildwood, St. Louis County, Missouri 63069, as a member of the State Board of Accountancy, for a term ending July 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2001, while the Senate was not in session.

G. Paul Corbin, 10 Village Drive West, St. Charles, St. Charles County, Missouri 63303, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2004, and until his successor is duly appointed and qualified; vice, Robert Lowery, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2001, while the Senate was not in session.

G. Denise Cross, 2405 Theresa Street, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

H. Dwight Douglas, Republican, 1012 Bond Street, Neosho, Newton County, Missouri 64850, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2004, and until his successor is duly appointed and qualified; vice, H. Dwight Douglas, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Sandy S. Drummond, 16050 North Route U, Hallsville, Boone County, Missouri 65255, as a member of the State Committee of Interpreters, for a term ending November 5, 2004, and until her successor is duly appointed and qualified; vice, Sandy S. Drummond, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Sheila S. Dullum, 1456 East Farm Road 96, Springfield, Greene County, Missouri 68503, as a member of the Child Abuse and Neglect Review Board, for a term ending December 29, 2003, and until her successor is duly appointed and qualified; vice, Sheila S. Dullum, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2001, while the Senate was not in session.

Jerry T. Duvall, 803 Commercial, Belton, Cass County, Missouri 64012, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2001, while the Senate was not in session.

Melinda K. Elmore, 13001 Joy Road, Ashland, Boone County, Missouri 65010, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2001, while the Senate was not in session.

Donald E. England, 1968 Alamos Place, Columbia, Boone County, Missouri 65201, as a member of the Interior Design Council, for a term ending April 6, 2005, and until his successor is duly appointed and qualified; vice, William Nolan, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

M. Elizabeth Fast, Republican, 619 West 69th Street, Kansas City, Jackson County, Missouri 64113, as a member of the State Banking Board, for a term ending August 29, 2007, and until her successor is duly appointed and qualified; vice, R. Michael Gunn, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2001, while the Senate was not in session.

Bryan L. Forbis, Republican, 935 Fairmount Boulevard, Jefferson City, Cole County, Missouri 65101, as a member of the Public Service Commission, for a term ending April 15, 2007, and until his successor is duly appointed and qualified; vice, M. Dianne Drainer, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Terrie Jo Fox, 3724 Stanton, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, Terrie Jo Fox, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Bradley Freeman, 18 South Kingshighway, Apartment 2P, St. Louis City, Missouri 63108, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2002, and until his successor is duly appointed and qualified; vice, Bradley Freeman, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2001, while the Senate was not in session.

Richard Freuh, Republican, 10 Beacon Hill Lane, St. Louis, St. Louis County, Missouri 63141, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2003, and until his successor is duly appointed and qualified; vice, Roddy Rogers, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2001, while the Senate was not in session.

Melodie Friedebach, 814 Cari Ann Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Gayle J. Fritz, 7350 Arlington Drive, St. Louis, St. Louis County, Missouri 63117, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, Gayle J. Fritz, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

William M. Fry, Jr., 8608 East 81st Street, Raytown, Jackson County, Missouri 64133, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, William M. Fry, Jr., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 24, 2001, while the Senate was not in session.

Keith F. Fuller, 1027 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as the Supervisor of the Division of Liquor Control, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Hope E. Whitehead, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2001, while the Senate was not in session.

Lawrence Myles Gerstein, D.C., 820 Camp Street, Washington, Franklin County, Missouri 63090, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

James M. Giles, 6739 Charlotte Street, Kansas City, Jackson County, Missouri 64131, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until his successor is duly appointed and qualified; vice, James M. Giles, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2001, while the Senate was not in session.

Wayne E. Giles, Ph.D., 4212 Courtney Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2001, while the Senate was not in session.

Patrick M. Gleason, Republican, 859 Atalanta Avenue, Webster Groves, St. Louis County, Missouri 63119, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

Jerome Glick, 301 North Forsyth, St. Louis, St. Louis County, Missouri 63105, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Mark Graviett, 9709 North Virginia Avenue, Kansas City, Clay County, Missouri 64155, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Mark Graviett, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Debra Foster Greene, 3608 Mall Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2003, and until her successor is duly appointed and qualified; vice, Debra Foster Greene, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2001, while the Senate was not in session.

Lisa A. Guillory, Au.D., 1509 Glencairn Court, Columbia, Boone County, Missouri 65203, as a public member of the Missouri State Committee of Interpreters, for a term ending October 23, 2005, and until her successor is duly appointed and qualified; vice, Betty Kramer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Barbara Gulick, 7936 North Anita Drive, Kansas City, Platte County, Missouri 64151, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2004, and until her successor is duly appointed and qualified; vice, Barbara Gulick, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2001, while the Senate was not in session.

Sherry Hale, Route 9, Box 160A, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2001, while the Senate was not in session.

Karen M. Hamlet, 115 South Cherry Street, Cameron, Clinton County, Missouri 64429, as a public member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Richard Hanson, 1307 Dunbar Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Employees' Voluntary Life Insurance Commission, for a term ending October 7, 2003, and until his successor is duly appointed and qualified; vice, Richard Hanson, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2001, while the Senate was not in session.

Rochelle L. Harris, Ph.D., 5542 Crestwood Drive, Kansas City, Jackson County, Missouri 64110, as a member of the State Committee of Psychologists, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2001, while the Senate was not in session.

David J. Heath, 2138 White Lane Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Richard Hendin, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 3, 2001, while the Senate was not in session.

Victoria A. Horst, 9504 Dorisann Court, St. Louis, St. Louis County, Missouri 63123, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2003, and until her successor is duly appointed and qualified; vice, Gene Brown, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2001, while the Senate was not in session.

Lisa E. Hosey, 6260 North Lakeshore Drive, House Springs, Jefferson County, Missouri 63051, as a member of the Board of Geologist Registration, for a term ending April 11, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Charles Ray Jackson, 117 Doebla Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2005, and until his successor is duly appointed and qualified; vice, Charles Ray Jackson, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2001, while the Senate was not in session.

William B. Jenkins, Republican, 123 South Woodlawn, St. Louis, St. Louis County, Missouri 63122, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2005, and until his successor is duly appointed and qualified; vice, Dr. Bayla Myer, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2001, while the Senate was not in session.

Charles C. Jensen, 1508 Sherman Avenue, Rolla, Phelps County, Missouri 63401, as a member of the Commission for the Missouri Senior Rx Program, for a term ending October 31, 2004, and until his successor is duly appointed and qualified; vice, RSMo 208.553.1.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2001, while the Senate was not in session.

Christel H. Johnson, 7420 Washington, Kansas City, Jackson County, Missouri 64114, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2004, and until her successor is duly appointed and qualified; vice, Marvin Beck, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2001, while the Senate was not in session.

Donald K. Johnson, Democrat, 224 West Biddeford Court, St. Charles, St. Charles County, Missouri 63304, as a member of the Board of Regents for Linn State Technical College, for a term ending December 29, 2005, and until his successor is duly appointed and qualified; vice, Don R. McQuitty, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2001, while the Senate was not in session.

Lt. Ronald S. Johnson, 1021 Northwest High Point Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2003, and until his successor is duly appointed and qualified; vice, Major Edward Bliefnick, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Karen J. Jones, Republican, 7 Forest Oak Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Missouri Women's Council, for a term ending December 6, 2003, and until her successor is duly appointed and qualified; vice, Karen J. Jones, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Stephen A. Jordan, Ph.D., 2308 Jane Drive, Cape Girardeau, Cape Girardeau County, Missouri 63071, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Shera Kafka, 1504 Gold Leaf Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until her successor is duly appointed and qualified; vice, Shera Kafka, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Mark V. Kenney, Democrat, 5630 Brookside Boulevard, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Mark V. Kenney, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Jeffrey A. Kerr, D.O., Republican, 11851 Arbor Circle, Rolla, Phelps County, Missouri 65401, as a member of the State Board of Senior Services,

for a term ending August 30, 2003, and until his successor is duly appointed and qualified; vice, Jeffrey A. Kerr, D.O., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

M. Elizabeth Kingsley, Ph.D., Democrat, 14 Mohave Drive, Lake Winnebago, Cass County, Missouri 64034, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2006, and until her successor is duly appointed and qualified; vice, M. Elizabeth Kingsley, Ph.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 3, 2001, while the Senate was not in session.

Terrence G. Klamet, D.P.M., 1849 Shiloh Valley Drive, Wildwood, St. Louis County, Missouri 63005, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2001, while the Senate was not in session.

Geralyn M. Klenke, Republican, 3222 East Dent, Ironton, Iron County, Missouri 63659, as a member of the State Board of Senior Services, for a term ending August 30, 2005, and until her successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2001, while the Senate was not in session.

Darryl E. Knopf, Democrat, 7303 Christopher, St. Louis, St. Louis County, Missouri 63129, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2003, and until his successor is duly appointed and qualified; vice, Roger L. Gregory, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Lai Lily Ko, Democrat, 8900 Chickasaw Drive, Olivette, St. Louis County, Missouri 63132, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, Lai Lily Ko, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2001, while the Senate was not in session.

Laurel A. Kramer, Ph.D., 1048 Roseridge Circle, Jefferson City, Cole County, Missouri 65101, as a member of the State Committee of Psychologists, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Glenda Kremer, County Road 403, Post Office Box 33, Loose Creek, Osage County, Missouri 65054, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, Glenda Kremer, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Andrea J. Lawrence, 2383 Baxton Way, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2001, and until her successor is duly appointed and qualified; vice, Andrea J. Lawrence, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2001, while the Senate was not in session.

Andrea J. Lawrence, 2383 Baxton Way, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2001, while the Senate was not in session.

Stephen W. Lehmkuhle, Ph.D., 6004 Bentpath Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2004, and until his successor is duly appointed and qualified; vice, Thomas R. Sharpe, Ph.D., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Nicola Longford, 1114 Dover Place, St. Louis City, Missouri 63111, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until her successor is duly appointed and qualified; vice, Nicola Longford, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Phillip Luebbering, Democrat, HCR 65, Box 388A, St. Thomas, Osage County, Missouri 65076, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2004, and until his successor is duly appointed and qualified; vice, Phillip Luebbering, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2001, while the Senate was not in session.

Thallis Malone, 14539 Rockypoint Drive, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri Real Estate Commission, for a term ending February 17, 2006, and until her successor is duly appointed and qualified; vice, Anita James, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 26, 2001, while the Senate was not in session.

Rick A. Martin, M.D., 4620 Pershing, St. Louis City, Missouri 63108, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2004, and until his successor is duly appointed and qualified; vice, Kutay Taysi, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Michael J. Marx, 4173 Fairburn Court, St. Louis, St. Louis County, Missouri 63129, as a member of the Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, Michael J. Marx, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2001, while the Senate was not in session.

Mary K. Matalone, 3612 Northeast Chouteau, Apartment D, Kansas City, Clay County, Missouri 64117, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, April L. Ford-Griffin, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2001, while the Senate was not in session.

W. Dudley McCarter, 338 Peekskill, St. Louis, St. Louis County, Missouri 63141, as a member of the Children's Trust Fund Board, for a term ending September 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Emmy L. McClelland, Republican, 455 Pasadena, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Emmy L. McClelland, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Arlene V. McClendon, 6231 Hancock Street, Berkeley, St. Louis County, Missouri 63134, as a member of the State Board of Barber Examiners, for a term ending April 5, 2004, and until her successor is duly appointed and qualified; vice, Arlene V. McClendon, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2001, while the Senate was not in session.

Carrie Lynn McCray, 6899 County Road 477, Fulton, Callaway County, Missouri 65251, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2001, while the Senate was not in session.

Kimberly J. McEnulty, 15870 North Amity, Platte City, Platte County, Missouri 64079, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2001, while the Senate was not in session.

William P. McKenna, Democrat, 1120 Virginia Avenue, Crystal City, Jefferson County, Missouri 63019, as a member of the State Highway and Transportation Commission, for a term ending October 13, 2007, and until his successor is duly appointed and qualified; vice, S. Lee Kling, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 26, 2001, while the Senate was not in session.

Alma McKinney, 1722 Forest Hills Drive, St. Charles, St. Charles County, Missouri 63303, as the Director of the Division of Personnel for the Office of Administration, for a term ending June 30, 2005, and until her successor is duly appointed and qualified; vice, Lee Capps, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Nolan McNeill, Democrat, 3010 Main, Cassville, Barry County, Missouri 65625, as a public member of the State Committee of Dieticians, for a term ending June 11, 2005, and until his successor is duly appointed and qualified; vice, Nolan McNeill, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

C. Lillian Metzger, Democrat, 30 Heritage Lane, Troy, Lincoln County, Missouri 63379, as a member of the State Board of Senior Services, for a term ending August 30, 2004, and until her successor is duly appointed and qualified; vice, C. Lillian Metzger, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 3, 2001, while the Senate was not in session.

Duane S. Michie, Republican, 612 East Cleveland, Hayti, Pemiscot County, Missouri 63851, as a member of the State Highway and Transportation Commission, for a term ending December 1, 2007, and until his successor is duly appointed and qualified; vice, Edward Douglas, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2001, while the Senate was not in session.

Judith H. Miles, M.D., 6300 North Route E, Columbia, Boone County, Missouri 65202, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2001, while the Senate was not in session.

Bernadette A. Miller, 1902 East Cardinal Street, Springfield, Greene County, Missouri 65804, as a member of the Missouri Veterans' Commission, for a term ending December 11, 2004, and until her successor is duly appointed and qualified; vice, Deborah Halter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Lynn R. Mims, Democrat, 5501 Bartmer, St. Louis City, Missouri 63112, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Lynn R. Mims, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Douglas E. Mitchell, 500 Northwest 301 Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2002, and until his successor is duly appointed and qualified; vice, Douglas E. Mitchell, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2001, while the Senate was not in session.

Carolyn Y. Mitchell-Pegue, 10263 Cedarbrook Lane, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2002, and until her successor is duly appointed and qualified; vice, Wildie Webster, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Randy Mooney, Republican, 7725 East Farm Road 194, Rogersville, Greene County, Missouri 65742, as a member of the State Milk Board, for a term ending September 28, 2003, and until his successor is duly appointed and qualified; vice, Randy Mooney, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2001, while the Senate was not in session.

Jacquelyn Moore, 6044 E. 129th Street, Grandview, Jackson County, Missouri 64030, as a member of the Commission for the Missouri Senior Rx Program, for a term ending October 31, 2004, and until her successor is duly appointed and qualified; vice, RSMo 208.553.1.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Kristine M. Moranville, 10 Fountain Court, Florissant, St. Louis County, Missouri 63033, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2003, and until her successor is duly appointed and qualified; vice, Kristine M. Moranville, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2001, while the Senate was not in session.

Roslyn Morgan, 358 Coachway Lane, Apartment D, Hazelwood, St. Louis County, Missouri 63042, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Lin Appling, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2001, while the Senate was not in session.

Teri A. Murray, Ph.D., R.N., 948 Sprinters Row Drive, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri State Board of Nursing, for a term ending October 1, 2004, and until her successor is duly appointed and qualified; vice, Pat Porterfield, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Sherrie M. Nash, Democrat, 1820 Norton Avenue, Kansas City, Jackson County, Missouri 64127, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, Sherrie M. Nash, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Robert P. Neumann, 5917 South State Highway ZZ, Republic, Greene County, Missouri 65738, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until his successor is duly appointed and qualified; vice, Robert P. Neumann, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2001, while the Senate was not in session.

John W. Newcomer, 3 Spoede Lane, St. Louis, St. Louis County, Missouri 63141, as a member of the Drug Utilization Review Board, for a term ending October 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2001, while the Senate was not in session.

Palmer "Nick" R. Nichols, Republican, 1418 Springdale Terrace, Jefferson City, Cole County, Missouri 65101, as a member of the Board of Governors for Central Missouri State University, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Nicklyn Foster, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 21, 2001, while the Senate was not in session.

J. Keith Nisbett, Ph.D., 26503 County Road 432, St. James, Maries County, Missouri 65559, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 316.204.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2001, while the Senate was not in session.

Lisa Norman, Democrat, 4400 Lindell Boulevard, Apartment 4K, St. Louis City, Missouri 63108, as a member of the Missouri Community Service Commission, for a term ending October 31, 2004, and until her successor is duly appointed and qualified; vice, RSMo 26.607.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Marie S. Nowak, Democrat, 4333 Hannover Court, St. Louis, St. Louis County, Missouri 63123, as a member of the State Board of Senior Services, for a term ending August 30, 2004, and until her successor is duly appointed and qualified; vice, Marie S. Nowak, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

James E. O'Mara, Democrat, 214 Summit Ridge Place, St. Charles, St. Charles County, Missouri 63304, as a member of the Missouri Development Finance Board, for a term ending September 14, 2004, and until his successor is duly appointed and qualified; vice, Martin Harrington, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2001, while the Senate was not in session.

Sammy Lee Page, 217 Ladue Oaks Drive, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Commission for the Missouri Senior Rx Program, for a term ending October 31, 2004, and until his successor is duly appointed and qualified; vice, RSMo 208.553.1.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2001, while the Senate was not in session.

Avis Parman, Democrat, 1104 East Clark Street, Albany, Gentry County, Missouri 64402, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, James K. Scaggs, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2001, while the Senate was not in session.

David A. Pennington, 1919 East Wayland, Springfield, Greene County, Missouri 65804, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, William Oliver, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

Maria Perron, 830 Courtwood Lane, Ballwin, St. Louis County, Missouri 63011, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until her successor is duly appointed and qualified; vice, Jennie Crisp, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2001, while the Senate was not in session.

Michael C. Perry, 1112 Pheasant Run, Columbia, Boone County, Missouri 65201, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2001, while the Senate was not in session.

Robert Dale Potter, 422 West Robin Ridge Road, Columbia, Boone County, Missouri 65203, as a member of the Drug Utilization Review Board, for a term ending October 15, 2004, and until his successor is duly appointed and qualified; vice, Pamela Waggoner, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Linda M. Prewitt, 5855 Waterman Avenue, St. Louis City, Missouri 63112, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Linda M. Prewitt, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2001, while the Senate was not in session.

Joseph E. Rechter, Democrat, 35 Upper Ladue Road, St. Louis, St. Louis County, Missouri 63124, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2005, and until his successor is duly appointed and qualified; vice, Paula "Polly" O'Brien, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Tracy Maria Reed, D.P.M., 15651 Debridge Way, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2003, and until her successor is duly appointed and qualified; vice, Tracy Maria Reed, D.P.M., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2001, while the Senate was not in session.

Lucy Reinhart, 3856 Flora Place, St. Louis City, Missouri 63110, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2005, and until her successor is duly appointed and qualified; vice, Mary Vieth, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2001, while the Senate was not in session.

Rudolph R. Rhodes, IV, Republican, 1308 Northeast Buttonwood Avenue, Lee's Summit, Jackson County, Missouri 64086, as a public member of the State Board of Embalmers and Funeral Directors, for a term ending September 1, 2006, and until his successor is duly appointed and qualified; vice, Christina J. Johnson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

James R. Ritter, Ed.D., 2611 Vistaview Terrace, Columbia, Boone County, Missouri 65203, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, James R. Ritter, Ed.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Melinda Dolan Sanders, Democrat, 810 Western Air, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, Melinda Dolan Sanders, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2001, while the Senate was not in session.

Dorn B. Schuffman, 5541 Waterfront Drive South, Columbia, Boone County, Missouri 65202, as Director selected by the State Mental Health Commission per RSMo. 630.015 of the Department of Mental Health, for a term ending at the pleasure of the State Mental Health Commission, and until his successor is duly appointed and qualified; vice, Dr. Roy C. Wilson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2001, while the Senate was not in session.

Lori Schutte, 12624 Waterford Place Court, Des Peres, St. Louis County, Missouri 63131, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2005, and until her successor is duly appointed and qualified; vice, Pamala Struessel, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2001, while the Senate was not in session.

Lori Scott, 314 Crest Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2005, and until her successor is duly appointed and qualified; vice, James Butler, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November

26, 2001, while the Senate was not in session.

Reverend Robert Charles Scott, Democrat, 103 Riverwood Estates Boulevard, Florissant, St. Louis County, Missouri 63031, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2007, and until his successor is duly appointed and qualified; vice, Geraldine Johnson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Elmo Shaw, Democrat, 8649 Highway 79, Louisiana, Pike County, Missouri 63353, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2004, and until his successor is duly appointed and qualified; vice, Elmo Shaw, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Mary Hass Sheid, 1913 Cambridge Circle, West Plains, Howell County, Missouri 65775, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2003, and until her successor is duly appointed and qualified; vice, Mary Hass Sheid, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2001, while the Senate was not in session.

Joan R. Shores, Democrat, 24604 East 327th Street, Harrisonville, Cass County, Missouri 64701, as a member of the State Committee of Dieticians, for a term ending June 11, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2001, while the Senate was not in session.

George Dennis Shull, 13394 Main Street Road, LaMonte, Pettis County, Missouri 65337, as the Adjutant General of the Missouri National Guard, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, John D. Havens, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 24, 2001, while the Senate was not in session.

Renee T. Slusher, Democrat, 312 Oakridge Court, Columbia, Boone County, Missouri 65203, as the Chairperson of the Labor and Industrial Relations Commission, for a term ending June 27, 2006, and until her successor is duly appointed and qualified; vice, John P. Madigan, Jr., resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

Charles Smith, 2426 Maple Crossing Drive, Wildwood, St. Louis County, Missouri 63011, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until his successor is duly appointed and qualified; vice, Melinda Clark, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Gregory Solum, 722 Troy Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until his successor is duly appointed and qualified; vice, Gregory Solum, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

Gary Stevens, 200 West First Street, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Paula Penny Stringer, Republican, 8073 West Farm Road 168, Republic, Greene County, Missouri 65738, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Paula Penny Stringer, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Kathy A. Surratt-States, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16,

2001, while the Senate was not in session.

Valerie R. Taylor, Democrat, 2957 Franklin Avenue, St. Louis City, Missouri 63106, as a member of the State Board of Senior Services, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2001, while the Senate was not in session.

Calvin Thomas IV, 5259 Paulian Place, St. Louis City, Missouri 63113, as the student representative of the Board of Regents for Harris-Stowe College, for a term ending May 30, 2003, and until his successor is duly appointed and qualified; vice, Andre May, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2001, while the Senate was not in session.

Hillred Kay Thurston, 1010 Meadow Lane, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2004, and until her successor is duly appointed and qualified; vice, Patricia Versluis, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Mark C. Toomey, 214 Valleyview Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2002, and until his successor is duly appointed and qualified; vice, Mark C. Toomey, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Charles W. Tyler, 4031 Botanical, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Charles W. Tyler, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2001, while the Senate was not in session.

Mary E. Updyke, R.D., Republican, Rural Route #1, Box 224, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Senior Services, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 31, 2001, while the Senate was not in session.

Robin S. Vogt, M.S.N., R.N., 1999 Seals Road, Versailles, Morgan County, Missouri 65084, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Daniel L. Vornberg, 556 Purdue, St. Louis, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Daniel L. Vornberg, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2001, while the Senate was not in session.

Deborah K. Waller, 225 Bradley, Sikeston, Scott County, Missouri 63801, as a member of the State Board of Cosmetology, for a term ending August 14, 2004, and until her successor is duly appointed and qualified; vice, Carolyn Walker, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 1, 2001, while the Senate was not in session.

Rodney Wead, 5721 Kingsbury Street, St. Louis City, Missouri 63112, as a member of the Child Abuse and Neglect Review Board for a term ending April 27, 2004, and until his successor is duly appointed and qualified; vice, Carol Cummings, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 15, 2001, while the Senate was not in session.

Theodore Wenzlick, Republican, 12806 Portulaca Drive, Letter D, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri Community Service Commission, for a term ending October 15, 2004, and until his successor is duly appointed and qualified; vice, RSMo 26.607.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2001, while the Senate was not in session.

Jacquelyn D. White, 2207 Merlin Drive, Jefferson City, Cole County, Missouri 65101, as Commissioner of the Office of Administration, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Michael L. Hartmann, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

James Bradford Willett, 8557 County Road 418, Hannibal, Marion County, Missouri 63401, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2004, and until his successor is duly appointed and qualified; vice, James Bradford Willett, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2001, while the Senate was not in session.

Donald R. Wilson, D.V.M., Democrat, 28065 Countryside Road, Weston, Platte County, Missouri 64098, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2002, and until his successor is duly appointed and qualified; vice, Dr. Melvin Blase, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2001, while the Senate was not in session.

Matthew Wilson, Democrat, 1001 Plaza Terrace, Kirkwood, St. Louis County, Missouri 63122, as a member of the Missouri Community Service Commission, for a term ending August 3, 2004, and until his successor is duly appointed and qualified; vice, Craig Hosmer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2001, while the Senate was not in session.

John R. Wittstruck, Ph.D., 311 Danielle Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until his successor is duly appointed and qualified; vice, Dr. Kala Stroup, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

William H. Worley, Democrat, 1243 West 64th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, William H. Worley, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2001, while the Senate was not in session.

Charlotte R. York, L.P.N., 111 Greenbriar, Sikeston, Scott County, Missouri 63801, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2001, while the Senate was not in session.

John F. Younghanz, Jr., 3108 Northwest 57th Street, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Real Estate Commission, for a term ending October 13, 2005, and until his successor is duly appointed and qualified; vice, Barbara R. Stuckey, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2001, while the Senate was not in session.

Benedict K. Zobrist, Ph.D., 71-B T Street, Lake Lotawana, Jackson County, Missouri 64086, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until his successor is duly appointed and qualified; vice, Benedict K. Zobrist, Ph.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Kenney, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Steelman.

**FIRST READING OF
PRE-FILED SENATE BILLS**

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 631-By Schneider.

An Act to repeal section 287.210, RSMo, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 632-By Schneider and Singleton.

An Act to repeal section 144.190, RSMo, relating to refunds of incorrectly collected sales tax to original purchasers, and to enact in lieu thereof one new section relating to the same subject.

SB 633-By Schneider and Singleton.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to drug formularies.

SB 634-By Wiggins and DePasco.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sports and cultural facilities development.

SB 635-By Wiggins.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to consumer protection for home owners, with penalty provisions.

SB 636-By Wiggins.

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to taxation for public mass transportation systems.

SB 637-By Caskey.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to disability discrimination, with an emergency clause.

SB 638-Withdrawn.

SB 639-By Caskey.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to processing requirements for jams and jellies.

SB 640-By Russell.

An Act to repeal section 210.001, RSMo, relating to regional child assessment centers, and to enact in lieu thereof one new section relating to the same subject.

SB 641-By Russell, Loudon, Kinder and Rohrbach.

An Act to repeal section 105.510, RSMo, relating to certain employee contributions, and to enact in lieu thereof one new section relating to the same subject.

SB 642-By Russell.

An Act to repeal sections 191.226 and 191.659, RSMo, relating to testing for certain diseases, and to enact in lieu thereof two new sections relating to the same subject.

SB 643-By Mathewson.

An Act to repeal section 104.601, RSMo, relating to retirement benefits, and to enact in lieu thereof one new section relating to the same subject.

SB 644-By Mathewson and Yeckel.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to veterans license plates for motorcycles.

SB 645-By Mathewson.

An Act to repeal section 221.425, RSMo, relating to authorizing a sales tax for regional jail districts, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date for a certain section.

SB 646-By Staples.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to motor vehicles, with a penalty provision.

SB 647-By Goode.

An Act to repeal sections 210.104, 210.107 and 307.178, RSMo, relating to child safety restraints, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

SB 648-By Goode and Schneider.

An Act to repeal section 137.073, RSMo, relating to assessment and levy of property taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 649-By Goode.

An Act to amend chapter 252, RSMo, by adding thereto five new sections relating to invasive species management.

SB 650-By Singleton, Russell, Sims, Kenney, Gross, Westfall, House and Yeckel.

An Act to repeal section 556.036, RSMo, relating to sexual offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 651-By Singleton and Russell.

An Act to repeal section 354.606, RSMo, relating to health care providers, and to enact in lieu thereof one new section relating to the same subject.

SB 652-By Singleton and Russell.

An Act to repeal section 205.300, RSMo, relating to privileges of health care workers in public hospitals, and to enact in lieu thereof one new section relating to the same subject.

SB 653-By Johnson.

An Act to repeal sections 205.968, 205.969, 205.970, 205.971, 205.972 and 205.973, RSMo, relating to disabilities, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

SB 654-By Rohrbach.

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to the operation of private correctional facilities or jails.

SB 655-By Rohrbach.

An Act to repeal section 105.010, RSMo, relating to public officers, and to enact in lieu thereof one new section relating to the same subject.

SB 656-By Rohrbach.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the interpretation of insurance materials.

SB 657-By House.

An Act to amend chapter 1, RSMo, by adding thereto three new sections relating to the prohibition of interference with the free exercise of religion.

SB 658-By House.

An Act to repeal section 441.060, RSMo, relating to leasing real property, and to enact in lieu thereof one new section relating to the same subject.

SB 659-By House and Kenney.

An Act to repeal sections 105.269, 160.400, 160.405, 160.410 and 160.420, RSMo, relating to charter schools, and to enact in lieu thereof five new sections relating to the same subject.

SB 660-By Westfall, Childers, Russell, Singleton, Bentley and Cauthorn.

An Act to repeal section 577.017, RSMo, relating to alcohol-related traffic offenses, and to enact in lieu thereof one new section relating to the same subject.

SB 661-By Westfall, Childers and Cauthorn.

An Act to repeal sections 137.073, 143.011, 143.071, 144.020, 144.021, 144.440, 144.700, 144.701, 163.011, 163.021, 163.022, 163.031, 163.032, 163.087, 163.172, 164.011 and 164.013, RSMo, and to enact in lieu thereof thirteen new sections relating to school funds, with a referendum clause.

SB 662-By Westfall.

An Act to repeal section 367.044, RSMo, relating to pawnbrokers, and to enact in lieu thereof one new section relating to the same subject.

SB 663-By Klarich, Gibbons, Loudon, Sims and Yeckel.

An Act to repeal sections 137.115 and 138.060, RSMo, relating to the assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject, with a referendum clause and an effective date for a certain section.

SB 664-By Klarich.

An Act relating to sales taxes.

SB 665-By Kenney.

An Act to amend chapter 182, RSMo, by adding thereto two new sections relating to public libraries, with penalty provisions.

SB 666-Withdrawn.

SB 667-By Bentley and Stoll.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to salary supplements for nationally-certified classroom instructional personnel.

SB 668-By Bentley.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the department of elementary and secondary education.

SB 669-By Bentley.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to political subdivisions.

SB 670-By Sims.

An Act to repeal sections 191.900, 191.910, 198.012, 198.029, 198.032, 198.067, 198.070, 198.082, 198.090, 198.526, 198.532, 344.050, 565.186, 565.188, 565.190, 660.050, 660.058, 660.250, 660.305, 660.315, 660.317 and 660.320, RSMo, relating to protection of the elderly, and to enact in lieu thereof thirty-five new sections relating to the same subject, with penalty provisions.

SB 671-By Sims.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to Missouri calcium initiatives, with an emergency clause.

SB 672-By Childers.

An Act to repeal section 21.183, RSMo, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject, with an expiration date.

SB 673-By Childers.

An Act to amend chapter 566, RSMo, by adding thereto one new section relating to sexual contact, with penalty provisions.

SB 674-By Childers.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to professional development schedules for public schools.

SB 675-By Yeckel, Gibbons and Cauthorn.

An Act to repeal sections 28.160, 115.013, 115.027, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.121, 115.133, 115.135, 115.137, 115.151, 115.157, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613 and 115.637, RSMo, relating to elections, and to enact in lieu thereof fifty-three new sections relating to the same subject, with penalty provisions.

SB 676-By Yeckel, Stoll, Gross, Cauthorn and Russell.

An Act to repeal sections 42.170, 42.175, 42.185 and 313.835, RSMo, relating to veterans, and to enact in lieu thereof four new sections relating to the same subject.

SB 677-By Yeckel.

An Act to amend chapter 135, RSMo, relating to tax credits for contributions to unplanned pregnancy resource centers by adding thereto one new section relating to the same subject.

SB 678-By Bland.

An Act to repeal section 160.415, RSMo, relating to charter schools, and to enact in lieu thereof one new section relating to the same subject.

SB 679-By Bland.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the Kansas City Missouri school district.

SB 680-By Bland.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity.

SB 681-By Stoll.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state school aid to school districts.

SB 682-By Stoll.

An Act to repeal section 67.398, RSMo, relating to nuisance abatement, and to enact in lieu thereof one new section relating to the same subject.

SB 683-By Stoll.

An Act to repeal section 67.1360, RSMo, relating to tourism taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 684-By Steelman.

An Act to repeal sections 660.058, 660.250, 660.260 and 660.300, RSMo, relating to in-home services for the elderly, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 685-By Steelman.

An Act to repeal sections 58.451, 58.740, 610.010, 610.015, 610.021, 610.022, 610.026, 610.027, 610.100, 610.105 and 610.200, RSMo, relating to public records, and to enact in lieu thereof eleven new sections relating to the same subject.

SB 686-By Steelman.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to court records.

SB 687-By Gibbons and Yeckel.

An Act to repeal sections 568.030, 568.045 and 568.050, RSMo, relating to abandonment of a child, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 688-By Gibbons, Cauthorn and Yeckel.

An Act to repeal sections 137.115 and 138.060, RSMo, relating to the assessment and levy of property taxes, and to enact in lieu thereof three new sections relating to the same subject, with a referendum clause and an effective date for a certain section.

SB 689-By Gibbons, Cauthorn and Yeckel.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to firearm crimes.

SB 690-By Gross.

An Act to repeal section 109.250, RSMo, relating to the state records commission, and to enact in lieu thereof one new section relating to the same subject.

SB 691-By Gross, House and Yeckel.

An Act to repeal section 137.115, RSMo, relating to property taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 692-By Gross.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to moment of silence in schools.

SB 693-By Dougherty and Sims.

An Act to repeal sections 210.536 and 453.073, RSMo, relating to the foster care reimbursement rate, and to enact in lieu thereof two new sections relating to the same subject.

SB 694-By Dougherty.

An Act to repeal section 211.183, RSMo, relating to removal of a child from the home, and to enact in lieu thereof one new section relating to the same subject.

SB 695-By Dougherty and Sims.

An Act to repeal section 210.170, RSMo, relating to the children's trust fund board, and to enact in lieu thereof one new section relating to the same subject.

SB 696-By Cauthorn, Klindt, Gross, Childers and Gibbons.

An Act to repeal section 33.803, RSMo, relating to performance-based budgeting for state departments, and to enact in lieu thereof one new section relating to the same subject.

SB 697-By Cauthorn.

An Act to repeal sections 148.360 and 160.011, RSMo, relating to rural school districts, and to enact in lieu thereof

three new sections relating to the same subject.

SB 698-By Cauthorn and Loudon.

An Act to amend chapters 451 and 452, RSMo, by adding thereto two new sections relating to covenant marriage.

SB 699-By Wiggins.

An Act to repeal sections 143.111, 143.961, 144.805, 144.807 and 147.010, RSMo, relating to commercial airline carriers, and to enact in lieu thereof eight new sections relating to the same subject, with an expiration date for certain sections and an emergency clause.

SB 700-By Wiggins.

An Act to repeal section 537.053, RSMo, and to enact in lieu thereof one new section relating to consumption of intoxicating beverages as proximate cause of injury in tort actions.

SB 701-By Wiggins.

An Act to repeal sections 305.120, 305.130 and 305.140, RSMo, relating to the operation of aircraft, and to enact in lieu thereof three new sections relating to the same subject.

SB 702-By Caskey.

An Act to amend chapter 209, RSMo, by adding thereto one new section relating to rehabilitation services for the blind and visually impaired.

SB 703-By Caskey.

An Act to repeal section 307.173, RSMo, relating to tinted windows, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

SB 704-By Caskey.

An Act to repeal sections 191.905, 252.235, 569.095, 569.097, 569.099, 570.020, 570.080, 570.085, 570.120, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo, relating to felony stealing limit, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

SB 705-By Russell, Loudon and Kinder.

An Act to repeal section 105.510, RSMo, and to enact in lieu thereof one new section relating to union membership.

SB 706-By Russell.

An Act to repeal supreme court rule 5.29, relating to unauthorized practice of law, and to enact in lieu thereof one new supreme court rule relating to the same subject.

SB 707-By Russell.

An Act to repeal section 288.050, RSMo, relating to the disqualification of unemployment benefits, and to enact in lieu thereof one new section relating to the same subject.

SB 708-By Mathewson.

An Act to repeal section 644.021, RSMo, relating to the clean water commission, and to enact in lieu thereof one new section relating to the same subject.

SB 709-By Goode.

An Act to repeal sections 610.010, 610.015, 610.021, 610.022, 610.026 and 610.027, RSMo, relating to the sunshine law, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 710-By Goode.

An Act to repeal sections 142.803, 144.020, 144.440, 226.200, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067 and 301.069, RSMo, relating to transportation funding, and to enact in lieu thereof fourteen new sections relating to the same subject, with a referendum clause and effective date.

SB 711-By Goode.

An Act to repeal sections 88.010, 88.013, 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060, 88.063 and 88.073, RSMo, relating to condemnation proceedings for towns or villages, and to enact in lieu thereof twenty-seven new sections relating to the same subject.

SB 712-By Singleton and Sims.

An Act to amend chapter 38, RSMo, by adding thereto thirty-five new sections relating to state emergency health powers, with an emergency clause and penalty provisions.

SB 713-By Singleton.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to physicians.

SB 714-By Singleton.

An Act to repeal section 190.500, RSMo, relating to the declaration of a state public health emergency, and to enact in lieu thereof one new section relating to the same subject.

SB 715-By Rohrbach, Cauthorn, Steelman, Klindt and Yeckel.

An Act to repeal section 640.010, RSMo, relating to the environmental regulation consistency act, and to enact in lieu thereof two new sections relating to the same subject.

SB 716-By House and Gross.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to property taxation, with an effective date.

SB 717-By House.

An Act to amend chapter 37, RSMo, by adding thereto eleven new sections relating to oversight of public privatization contracts.

SB 718-By House and Steelman.

An Act to repeal section 171.021, RSMo, relating to reciting the Pledge of Allegiance in public schools, and to enact in lieu thereof one new section relating to the same subject.

SB 719-By Westfall and Yeckel.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to state aid for education of students with limited English proficiency.

SB 720-By Westfall.

An Act to repeal sections 52.300 and 54.330, RSMo, relating to bonds for deputies for county collectors and treasurer ex officio collectors, and to enact in lieu thereof two new sections relating to the same subject.

SB 721-By Westfall.

An Act to repeal sections 304.022 and 575.010, RSMo, relating to the operation of motor vehicles, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 722-By Bentley.

An Act to repeal section 168.081, RSMo, relating to alternative certification standards for principals, and to enact in lieu thereof two new sections relating to the same subject.

SB 723-By Bentley.

An Act to amend chapter 620, RSMo, by adding thereto two new sections relating to cultural tourism.

SB 724-By Bentley.

An Act to repeal section 210.516, RSMo, relating to residential facilities for children, and to enact in lieu thereof one new section relating to the same subject.

SB 725-By Childers.

An Act to amend chapter 305, RSMo, by adding thereto nine new sections relating to the Missouri airport protection act.

SB 726-By Childers.

An Act to repeal section 9.130, RSMo, relating to Emergency Services Day, and to enact in lieu thereof one new section relating to the same subject.

SB 727-By Yeckel and Stoll.

An Act to repeal section 307.173, RSMo, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause and penalty provisions.

SB 728-By Yeckel.

An Act to repeal sections 443.803, 443.816, 443.821, 443.833 and 443.859, RSMo, relating to residential mortgage brokers, and to enact in lieu thereof five new sections relating to the same subject.

SB 729-By Yeckel.

An Act to repeal section 443.415, RSMo, relating to mortgage insurance, and to enact in lieu thereof one new section relating to the same subject.

SB 730-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to obesity.

SB 731-By Bland.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to offenses against the person.

SB 732-By Bland.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to welfare reform.

SB 733-By Steelman.

An Act to repeal sections 144.020 and 144.030, RSMo, relating to sales taxes, and to enact in lieu thereof two new sections relating to the same subject.

SB 734-By Steelman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for health insurance premiums.

SB 735-By Steelman and Kinder.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for donations to scholarship charities.

SB 736-By Dougherty and Sims.

An Act to repeal section 630.605, RSMo, relating to mental health, and to enact in lieu thereof one new section relating to the same subject.

SB 737-By Cauthorn and Russell.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

SB 738-By Cauthorn and Russell.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to roadside maintenance.

SB 739-By Wiggins.

An Act to repeal sections 436.200, 436.205, 436.209 and 436.212, RSMo, and to enact in lieu thereof twenty new sections relating to athlete agents, with penalty provisions.

SB 740-By Wiggins.

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545 and 452.550, RSMo, and to enact in lieu thereof forty new sections relating to the uniform child custody jurisdiction act.

SB 741-By Wiggins.

An Act to repeal sections 194.300, 194.302 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to anatomical donation.

SB 742-By Caskey.

An Act to repeal section 469.411, RSMo, relating to trusts and estates, and to enact in lieu thereof one new section relating to the same subject.

SB 743-By Caskey.

An Act to repeal section 211.477, RSMo, relating to parental rights, and to enact in lieu thereof one new section

relating to the same subject.

SB 744-By Caskey.

An Act to repeal section 60.010, RSMo, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

SB 745-By Russell.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to specialized license plates.

SB 746-By Russell and Kinder.

An Act to repeal section 105.520, RSMo, relating to collective bargaining, and to enact in lieu thereof one new section relating to the same subject.

SB 747-By Russell.

An Act to repeal section 484.020, RSMo, relating to the practice of law, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 748-By Goode.

An Act to amend chapters 8, 227 and 327, RSMo, by adding thereto twelve new sections relating to design-build, with an expiration date.

SB 749-By Goode.

An Act to repeal sections 21.250 and 116.050, RSMo, relating to powers of the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

SB 750-By Goode and Rohrbach.

An Act to repeal section 144.025, RSMo, relating to sales and use taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 751-By Singleton.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to infant circumcision.

SB 752-By House.

An Act to amend chapters 335 and 376, RSMo, by adding thereto two new sections relating to health insurance.

SB 753-By House.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to noncompetition clauses for broadcasting industry employees.

SB 754-By House.

An Act to repeal section 85.011, RSMo, relating to law enforcement, and to enact in lieu thereof one new section relating to the same subject.

SB 755-By Westfall.

An Act to repeal section 144.030, RSMo, relating to sales and use tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 756-By Westfall.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school absences for participation in the Missouri state fair.

SB 757-By Westfall.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the Missouri head injury advisory council.

SB 758-By Bentley.

An Act to repeal section 589.400, RSMo, relating to registration of offenders, and to enact in lieu thereof one new section relating to the same subject.

SB 759-By Yeckel and Singleton.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to property taxation, with an effective date and a referendum clause.

SB 760-By Yeckel.

An Act to repeal section 321.703, RSMo, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, relating to fire protection districts, and to enact in lieu thereof two new sections relating to the same subject.

SB 761-By Yeckel.

An Act to repeal section 137.100, RSMo, relating to assessment and levy of property taxes, and to enact in lieu thereof three new sections relating to the same subject.

SB 762-By Bland.

An Act to amend chapter 354, RSMo, by adding thereto twenty-three new sections relating to certain health care benefits with a contingent effective date for certain sections and a referendum clause.

SB 763-By Bland.

An Act to repeal sections 494.425 and 494.430, RSMo, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

SB 764-By Bland.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the establishment of a needle exchange program.

SB 765-By Steelman.

An Act to repeal section 166.300, RSMo, relating to capital improvement funds for elementary and secondary schools, and to enact in lieu thereof nine new sections relating to the same subject.

SB 766-By Steelman.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to inaugural committees.

SB 767-By Steelman.

An Act to repeal section 167.349, RSMo, relating to certain charter schools, and to enact in lieu thereof one new section relating to the same subject.

SB 768-By Wiggins.

An Act to authorize the conveyance of certain state property to the Children's Mercy Hospital.

SB 769-By Russell.

An Act to repeal section 33.282, RSMo, relating to tax expenditures, and to enact in lieu thereof one new section relating to the same subject.

SB 770-By Russell.

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to required documentation for Internet services provided by telecommunications companies.

SB 771-By Russell.

An Act to repeal section 306.010, RSMo, relating to licensing of watercraft, and to enact in lieu thereof one new section relating to the same subject.

SB 772-By Goode.

An Act to amend chapter 620, RSMo, by adding thereto six new sections relating to community development.

SB 773-By Goode.

An Act to repeal section 137.100, RSMo, relating to tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 774-By Goode, Wiggins and Yeckel.

An Act to repeal section 304.010, RSMo, relating to maximum speed limits, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 775-By House and Loudon.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the American military veterans bridge.

SB 776-By House.

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the privacy of personal information of participants in the Missouri higher education savings program.

SB 777-By Yeckel.

An Act to amend chapter 512, RSMo, by adding thereto one new section relating to appellate procedure.

SB 778-By Yeckel.

An Act to repeal section 143.111, RSMo, and to enact in lieu thereof two new sections relating to medical savings accounts.

SB 779-By Yeckel.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to public hospital records and meetings.

SB 780-By Bland.

An Act to repeal sections 143.171, 144.030 and 160.500, RSMo, relating to sales and use tax, and to enact in lieu thereof three new sections relating to the same subject, with effective dates and a referendum clause.

SB 781-By Bland.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to firearms and other weapons.

SB 782-By Bland.

An Act to amend chapter 215, RSMo, by adding thereto one new section relating to the Missouri housing development commission.

SB 783-By Steelman.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to phonics instruction.

SB 784-By Russell.

An Act to amend chapter 281, RSMo, by adding thereto one new section relating to pesticide application in public buildings.

SB 785-By Goode and Dougherty.

An Act to repeal sections 67.1062, 67.1063, 67.1064, 67.1065 and 67.1071, RSMo, relating to the homeless assistance program, and to enact in lieu thereof five new sections relating to the same subject.

SB 786-By Goode.

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the licensing of architects and engineers.

SB 787-By Yeckel.

An Act to amend chapter 139, RSMo, by adding thereto one new section relating to payment of real property taxes, with a nonseverability clause.

SB 788-By Yeckel and Gibbons.

An Act to repeal sections 160.534 and 164.303, RSMo, relating to gambling moneys for schools, and to enact in lieu thereof three new sections relating to the same subject.

SB 789-By Bland.

An Act to repeal section 590.650, RSMo, relating to law enforcement practices, and to enact in lieu thereof one new

section relating to the same subject.

SB 790-By Bland.

An Act to repeal sections 143.191, 143.201, 143.211, 143.221 and 143.241, RSMo, relating to the establishment of a general assembly scholarship program, and to enact in lieu thereof eighteen new sections relating to the same subject, with an effective date.

SB 791-By Bland.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to pilot program of urban early compulsory school attendance, with penalty provisions.

SB 792-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

SB 793-By Bland.

An Act to repeal section 453.325, RSMo, relating to the grandparents as foster parents program, and to enact in lieu thereof one new section relating to the same subject.

SB 794-By Bland.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to educational programs.

SB 795-By Schneider.

An Act to amend chapter 650, RSMo, by adding thereto eight new sections relating to emergency communication systems.

SB 796-By Mathewson.

An Act to repeal section 136.055, RSMo, relating to motor vehicle agency fees, and to enact in lieu thereof one new section relating to the same subject.

SB 797-By Westfall.

An Act to repeal section 91.210, RSMo, relating to municipally owned utilities, and to enact in lieu thereof one new section relating to the same subject.

SB 798-By Westfall.

An Act to repeal section 301.453, RSMo, relating to congressional license plates, and to enact in lieu thereof one new section relating to the same subject.

SB 799-By Westfall and Wiggins.

An Act to repeal section 36.030, RSMo, relating to state personnel law, and to enact in lieu thereof one new section relating to the same subject.

SB 800-By DePasco.

An Act to repeal section 556.036, RSMo, relating to time limitations for criminal prosecutions, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 801-By DePasco.

An Act to repeal section 302.535, RSMo, relating to suspension and revocation of drivers' licenses, and to enact in lieu thereof one new section relating to the same subject.

SB 802-By DePasco.

An Act to repeal section 570.130, RSMo, relating to fraudulent use of a credit device or a debit device, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 803-By Dougherty and Singleton.

An Act to repeal sections 375.1300, 375.1303, 375.1306 and 375.1309, RSMo, relating to genetic information and testing for insurance purposes, and to enact in lieu thereof four new sections relating to the same subject.

SB 804-By DePasco.

An Act to authorize the conveyance of certain property interests to the city of Kansas City.

SB 805-By DePasco.

An Act to repeal section 304.190, RSMo, relating to commercial zones, and to enact in lieu thereof one new section relating to the same subject.

SB 806-By Caskey.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to assessment of real property.

SB 807-By Klarich.

An Act to amend chapter 575, RSMo, by adding thereto one new section relating to eluding a law enforcement official, with penalty provisions.

SB 808-By Gross.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for property taxes.

SB 809-By Gross.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to taxation.

SB 810-By Dougherty.

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.135 and 660.136, RSMo, relating to the utilicare program, and to enact in lieu thereof seven new sections relating to the same subject.

SB 811-By Dougherty and Bentley.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to public school teachers.

SB 812-By Russell.

An Act to repeal section 536.035, RSMo, relating to the publication of executive orders in the Missouri Register, and to enact in lieu thereof one new section relating to the same subject.

SB 813-By Mathewson.

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to appropriations for community college district maintenance funds.

SB 814-By Childers.

An Act to repeal section 302.160, RSMo, relating to drivers' licenses, and to enact in lieu thereof one new section relating to the same subject.

SB 815-By Childers.

An Act to repeal section 320.094, RSMo, relating to fire protection, and to enact in lieu thereof three new sections relating to the same subject.

SB 816-By Gross.

An Act to repeal sections 188.015, 188.052, 188.055 and 188.070, RSMo, and to enact in lieu thereof five new sections relating to certain governmental records and their confidentiality, with penalty provisions.

SB 817-By Gross.

An Act to repeal section 537.053, RSMo, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

SB 818-By Westfall.

An Act to repeal sections 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585 and 300.595, RSMo, relating to the model traffic ordinance, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

SB 819-By Bentley.

An Act to repeal section 565.020, RSMo, relating to offenses against the person, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 820-By Bentley.

An Act to repeal section 143.161, RSMo, relating to dependency exemptions for foster children, and to enact in lieu thereof one new section relating to the same subject.

SB 821-By Dougherty and Gross.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to performance contracting for energy efficiency projects.

SB 822-By Dougherty.

An Act to repeal section 376.1250, RSMo, relating to cancer screening, and to enact in lieu thereof one new section relating to the same subject.

SB 823-By Cauthorn and Gross.

An Act to repeal sections 143.121 and 143.124, RSMo, relating to income taxation, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 824-By Cauthorn and Yeckel.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to property taxation, with an effective date.

SB 825-By Schneider.

An Act to repeal sections 287.020, 287.370, 287.410, 287.470, 287.480, 287.490, 287.495, 287.500 and 287.615, RSMo, relating to administrative law, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date for a certain section.

SB 826-By Gross.

An Act to repeal section 570.123, RSMo, relating to civil action for passing bad checks, and to enact in lieu thereof one new section relating to the same subject.

SB 827-By Dougherty, Stoll, Gross and DePasco.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to coverage for clinical trials.

SB 828-By Dougherty.

An Act to amend chapter 453, RSMo, by adding thereto two new sections relating to foster parents responsibilities and rights.

SB 829-By Dougherty.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to air quality in public schools.

SB 830-By House, Russell, Childers, Yeckel, Bland, Bentley, Staples, Schneider, Foster, DePasco and Cauthorn.

An Act to repeal sections 193.125 and 193.255, RSMo, relating to adoption records, and to enact in lieu thereof two new sections relating to the same subject.

SB 831-By Loudon.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to public holidays.

SB 832-By Schneider.

An Act to repeal sections 287.160, 287.210 and 287.430, RSMo, relating to workers' compensation, and to enact in lieu thereof three new sections relating to the same subject.

SB 833-By Schneider.

An Act to amend chapters 620 and 660, RSMo, by adding thereto two new sections relating to contract authority.

SB 834-By Sims.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to Sunday liquor sales by the drink by establishments within an international airport.

SB 835-By Bland.

An Act to amend chapter 209, RSMo, by adding thereto ten new sections relating to rights of persons with service animals, with penalty provisions.

SB 836-By Gross and Dougherty.

An Act to repeal sections 144.010 and 144.190, RSMo, relating to the sales tax and refund procedures related to mobile telecommunications services, and to enact in lieu thereof two new sections relating to the same subject.

SB 837-By Cauthorn.

An Act to repeal section 414.032, RSMo, relating to labeling requirements for ethanol, and to enact in lieu thereof one new section relating to the same subject.

SB 838-By Caskey.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for hearing aids for children.

SB 839-By Goode, Schneider and Wiggins.

An Act to repeal section 407.020, RSMo, and to enact in lieu thereof twelve new sections relating to home loans, with an effective date and penalty provisions.

SB 840-By Gross and Russell.

An Act to repeal section 516.097, RSMo, relating to certain tort actions, and to enact in lieu thereof two new sections relating to the same subject.

SB 841-By Klarich.

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to insurance coverage for chiropractic care.

SB 842-By Klarich.

An Act to repeal section 354.400, RSMo, relating to health insurance coverage for chiropractic care, and to enact in lieu thereof two new sections relating to the same subject.

SB 843-By Stoll.

An Act to repeal sections 700.100, 700.385, 700.455, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, and 700.539, RSMo, and to enact in lieu thereof eight new sections relating to manufactured housing.

SB 844-By Loudon.

An Act to repeal section 137.115, RSMo, relating to the assessment of property, and to enact in lieu thereof one new section relating to the same subject.

SB 845-By Russell.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to protective orders for municipal utilities, with penalty provisions.

SB 846-By Singleton.

An Act to repeal section 161.400, RSMo, relating to the Missouri commission for the deaf, and to enact in lieu thereof one new section relating to the same subject.

SB 847-By Singleton.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to American Sign Language.

SB 848-By Singleton.

An Act to repeal sections 168.071 and 484.190, RSMo, and section 375.141 as enacted by house committee substitute for senate substitute for senate bill no. 193, ninety-first general assembly, first regular session and section 375.141 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 709, eighty-seventh general assembly, first regular session, and to enact in lieu thereof seven new sections relating to certain licensed professionals who are in default on student loans, with an effective date for certain sections.

SB 849-By DePasco and Kennedy.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to enticement of a child, with penalty provisions.

SB 850-By House.

An Act to repeal section 407.1095, RSMo, relating to definitions regarding telemarketing practices that further protects consumers, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 851-By Westfall.

An Act to repeal sections 226.540, 226.550, 226.580 and 226.585, RSMo, relating to highway beautification, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause.

SB 852-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for weight reduction counseling.

SB 853-By Stoll.

An Act to amend chapter 620, RSMo, by adding thereto eleven new sections relating to science and mathematics education.

SB 854-By Gross.

An Act to repeal section 610.021, RSMo, relating to terrorism, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

SB 855-By Caskey.

An Act to repeal sections 589.400 and 589.417, RSMo, relating to sex offender registry, and to enact in lieu thereof two new sections relating to the same subject.

SB 856-By Russell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SB 857-By Dougherty.

An Act to amend chapter 407, RSMo, by adding thereto two new sections relating to consumer protection during a state of emergency.

SB 858-By Dougherty and Kennedy.

An Act to repeal sections 167.031 and 167.051, RSMo, relating to compulsory attendance age for public schools, and to enact in lieu thereof two new sections relating to the same subject.

SB 859-By Russell.

An Act to repeal section 160.545, RSMo, relating to the A+ schools program, and to enact in lieu thereof one new section relating to the same subject.

SB 860-By Rohrbach.

An Act to repeal sections 161.400, 161.403, 161.405, 161.407, 191.928, 191.934, 209.285, 209.287, 209.318, 209.319, 209.321, 209.323, 209.326, 209.334, 476.750, 476.760, and 476.763, RSMo, and to enact in lieu thereof seventeen new sections relating to the deaf and hard of hearing.

SB 861-By Rohrbach.

An Act to repeal section 209.285, RSMo, and to enact in lieu thereof one new section relating to American Sign Language.

SB 862-By DePasco.

An Act to amend chapter 324, RSMo, by adding thereto nineteen new sections relating to the licensing of home builders, with penalty provisions.

SB 863-By Gross.

An Act to repeal section 163.031, RSMo, relating to state aid for public schools, and to enact in lieu thereof one new section relating to the same subject.

SB 864-By Gross and House.

An Act to repeal section 160.545, RSMo, relating to the A+ school programs, and to enact in lieu thereof one new section relating to the same subject.

SB 865-By Foster and Kinder.

An Act to repeal section 263.531, RSMo, relating to boll weevil eradication, and to enact in lieu thereof one new section relating to the same subject.

SB 866-By Cauthorn.

An Act to repeal sections 348.430 and 348.432, RSMo, and to enact in lieu thereof two new sections relating to tax credits for contributions to agricultural commodity development.

SB 867-By Cauthorn.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the state highway system, with an emergency clause.

SB 868-By Cauthorn.

An Act to repeal section 227.100, RSMo, relating to construction bids, and to enact in lieu thereof one new section relating to the same subject.

SB 869-By Cauthorn.

An Act to repeal section 59.041, RSMo, relating to recorders of deeds, and to enact in lieu thereof one new section relating to the same subject.

SB 870-By Goode.

An Act to repeal section 386.570, RSMo, relating to penalties for violation of public service commission orders, and to enact in lieu thereof one new section relating to the same subject.

SB 871-By Dougherty.

An Act to repeal sections 194.220 and 194.230, RSMo, and to enact in lieu thereof three new sections relating to anatomical donation.

SB 872-By Dougherty and Goode.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the promotion of energy.

SB 873-By House and Gross.

An Act to amend chapter 173, RSMo, by adding thereto two new sections relating to higher education funding.

SB 874-By Bentley.

An Act to repeal section 162.700, RSMo, relating to special education, and to enact in lieu thereof one new section relating to the same subject.

SB 875-By Gross.

An Act to repeal section 573.037, RSMo, relating to the possession of child pornography, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 876-By Sims.

An Act to repeal section 210.906, RSMo, relating to the family care safety registry, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 877-By Sims.

An Act to repeal section 344.060, RSMo, relating to the Missouri board of nursing home administrators, and to enact in lieu thereof one new section relating to the same subject.

SB 878-By Sims.

An Act to amend chapter 209, RSMo, by adding thereto ten new sections relating to rights of persons with service animals, with penalty provisions.

SB 879-By Steelman.

An Act to repeal section 167.181, RSMo, relating to vaccinations, and to enact in lieu thereof one new section relating to the same subject.

SB 880-By Steelman.

An Act to amend chapter 172, RSMo, by adding thereto two new sections relating to science education.

SB 881-By Steelman and Yeckel.

An Act to amend chapter 640, RSMo, by adding thereto six new sections relating to environmental hearing commission.

SB 882-By Sims.

An Act to repeal sections 161.400, 161.407, 191.928, 191.934, 209.285, 209.287, 209.289, 209.292, 209.318, 209.319, 209.321, 209.323, 209.326, 209.334, 476.750, 476.760 and 476.763, RSMo, relating to Missouri commission for the deaf and hard of hearing, and to enact in lieu thereof seventeen new sections relating to the same subject.

SB 883-By DePasco.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the memorial for workers.

SB 884-By DePasco.

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to restrictions for payday loans.

SB 885-By Bentley.

An Act to repeal section 135.207, RSMo, relating to enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

SB 886-By Bentley and Stoll.

An Act to repeal section 392.410, RSMo, relating to the rights of a political subdivision to use their telecommunications services or facilities, and to enact in lieu thereof one new section relating to the same subject.

SB 887-By Sims.

An Act to repeal sections 100.010, 100.040, 100.050 and 100.105, RSMo, relating to industrial development, and to enact in lieu thereof five new sections relating to the same subject.

SB 888-By Gross.

An Act to amend chapters 393 and 640, RSMo, by adding thereto two new sections relating to electric utility generation facilities.

SB 889-By Dougherty.

An Act to repeal section 105.269, RSMo, relating to retired teachers and administrators' retirement benefits, and to enact in lieu thereof one new section relating to the same subject.

SJR 22-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

SJR 23-By Singleton.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri relating to elective state officers, and adopting one new section in lieu thereof relating to the same subject.

SJR 24-By Johnson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

SJR 25-By Klarich and Gibbons.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18(b) of article VI and section 22 of article X of the Constitution of Missouri relating to assessment of property and taxation, and adopting two new sections in lieu thereof relating to the same subject.

SJR 26-By Klarich.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri relating to transportation, and adopting one new section in lieu thereof relating to the same subject.

SJR 27-By Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri relating to school district bond elections, and adopting one new section in lieu thereof relating to the same subject.

SJR 28-By Bland.

Joint Resolution to ratify a proposed amendment to the Constitution of the United States.

SJR 29-Withdrawn.

SJR 30-By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article IX of the Constitution of Missouri relating to transportation of elementary and secondary school students, and adopting one new section in lieu thereof relating to the same subject.

SJR 31-By Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 890-By Kenney.

An Act to repeal section 166.300, RSMo, relating to capital improvement funds for elementary and secondary schools, and to enact in lieu thereof eight new sections relating to the same subject.

SB 891-By Kenney.

An Act to repeal section 238.207, RSMo, relating to transportation development districts, and to enact in lieu thereof one new section relating to the same subject.

SB 892-By Kenney.

An Act to repeal sections 214.270 and 214.387, RSMo, relating to cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

SB 893-By Rohrbach.

An Act to repeal section 376.307, RSMo, relating to life insurance company investments, and to enact in lieu thereof one new section relating to the same subject.

SB 894-By Kinder.

An Act to repeal section 144.190, RSMo, relating to a temporary exemption from state and local sales and use tax on retail sales of clothing and school supplies before the start of the school year, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause and a termination date.

SB 895-By Yeckel and Gross.

An Act to repeal sections 30.270, 362.020, 362.106, 362.117, 362.170, 362.245, 362.270, 362.275, 362.335, 365.100, 367.518, 369.144, 400.9-303, 408.140, 408.556, 408.557, 525.070, 700.350, RSMo, section 375.065 as enacted by house committee substitute for senate substitute for senate bill no. 193, ninety-first general assembly, first regular session and section 375.065 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 896, ninetieth general assembly, second regular session, relating to financial services, and to enact in lieu thereof twenty-one new sections relating to the same subject, with penalty provisions.

SB 896-By Yeckel.

An Act to repeal sections 326.256, 326.271, 326.280, 326.283, 326.286, 326.289 and 326.292, RSMo, relating to public accountants, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 897-By Dougherty, Kennedy and Bland.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to urban teaching scholarships.

SB 898-By Dougherty, Kennedy and Bland.

An Act to repeal section 161.415, RSMo, and to enact in lieu thereof one new section relating to minority teaching scholarships.

SB 899-By Dougherty and Kennedy.

An Act to repeal section 135.348, RSMo, relating to a tax credit for sponsorship and mentoring program, and to enact in lieu thereof one new section relating to the same subject.

SB 900-By Goode, Yeckel, Steelman and Gross.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to aggregate purchase of natural gas by public school districts, with an emergency clause.

SB 901-By Goode, Wiggins and Kennedy.

An Act to repeal section 135.030, RSMo, relating to property tax relief and to enact in lieu thereof one new section relating to the same subject.

SB 902-By Goode and Wiggins.

An Act to amend chapter 135, RSMo, by adding thereto twenty new sections relating to senior citizen homestead

deferral of taxes.

SB 903-By Klindt.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to Northwest Missouri State University board of regents.

SB 904-By Klindt.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to food inspection.

SB 905-By Klindt.

An Act to repeal sections 33.220 and 33.240, RSMo, relating to state financial administration, and to enact in lieu thereof three new sections relating to the same subject.

SB 906-By House.

An Act to repeal sections 226.225, 313.820 and 313.835, RSMo, relating to gambling admission fees, and to enact in lieu thereof three new sections relating to the same subject, with a contingent effective date.

SB 907-By House.

An Act to repeal sections 142.803, 144.020, 144.440, 226.200, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069 and 302.177, RSMo, relating to transportation funding, and to enact in lieu thereof fourteen new sections relating to the same subject, with a referendum clause.

SB 908-By Gibbons.

An Act to repeal sections 147.010, 147.020, 147.030, 147.040, 147.050, 147.090, 147.100 and 147.120, RSMo, relating to corporation franchise tax, and to enact in lieu thereof eight new sections relating to the same subject.

SB 909-By Gibbons.

An Act to repeal sections 136.300 and 621.050, RSMo, relating to the burden of proof in tax cases, and to enact in lieu thereof two new sections relating to the same subject.

SB 910-By Gibbons.

An Act to amend chapter 32, RSMo, by adding thereto three new sections relating to assessment and collection procedures of the department of revenue.

SJR 32-By House.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 39(d) and 39(e) of article III of the Constitution of Missouri relating to the legislative department, and adopting two new sections in lieu thereof relating to the same subject.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 1**.

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-first General Assembly, Second Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-first General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Tuesday, January 15, 2002, to receive a message from His Honor Stephen N. Limbaugh, Jr., the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-first General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-first General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 23, 2002, to receive a message from His Excellency, the Honorable Bob Holden, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-first General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 911-By Foster, Stoll, Klindt, Schneider and Gibbons.

An Act to amend chapter 436, RSMo, by adding thereto thirteen new sections relating to retainage in private building contracts.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 869, regarding Donald L. Castleman, Rolla, which was adopted.

Senator Schneider offered Senate Resolution No. 870, regarding the death of Lawrence Valenti, which was adopted.

Senator Stoll offered Senate Resolution No. 871, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Karl Hansohm, Festus, which was adopted.

Senator Yeckel offered Senate Resolution No. 872, regarding Nancy J. Ockrassa, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 873, regarding Sharon Rohrbach, St. Louis County, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

January 9, 2002

Senator Peter Kinder

President Pro Tem

State Capitol

Jefferson City, MO 65101

Dear Senator Kinder:

This is to inform you that I have appointed Senator Patrick Dougherty to the Senate Appropriations Committee to fill the vacancy created by the death of Senator Paula Carter.

Sincerely,

/s/ Ed Quick

EDWARD E. QUICK

Minority Floor Leader

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, former State Representative, United States Representative Todd Akin, St. Louis; and his mother, Mary Hunter Kinder, former State Representative Mary Kasten, former State Representative Gary Rust and Clinton and Carrie Tracy, Cape Girardeau; and Melanie Moore, St. Louis.

Senator Dougherty introduced to the Senate, members of the Cleveland Junior Naval Academy, Cadet Brian Johnson, Cadet Alfie Sharp, Cadet Christopher Ford, Cadet LaToya Dudley, Cadet Bao Truong, Cadet Adrian Hackney, Cadet Vincent Hayden and Master Sergeant Joe Wilkins, USMC (Ret.) and Mrs. Maxine Mann, St. Louis.

Senator Westfall introduced to the Senate, his wife, Sharon, and their grandson, Cody Ray Westfall, Halfway; and Cody Ray was made an honorary page.

Senator Klindt introduced to the Senate, former State Representative Norwood Creason, Braymer.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Sam Page, St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY-THURSDAY, JANUARY 10, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 631-Schneider

SB 632-Schneider and

Singleton

SB 633-Schneider and

Singleton

SB 634-Wiggins and

DePasco

SB 635-Wiggins

SB 636-Wiggins

SB 637-Caskey

SB 639-Caskey

SB 640-Russell

SB 641-Russell, et al

SB 642-Russell

SB 643-Mathewson

SB 644-Mathewson and

Yeckel

SB 645-Mathewson

SB 646-Staples

SB 647-Goode

SB 648-Goode and

Schneider

SB 649-Goode

SB 650-Singleton, et al

SB 651-Singleton and

Russell

SB 652-Singleton and

Russell

SB 653-Johnson

SB 654-Rohrbach

SB 655-Rohrbach

SB 656-Rohrbach

SB 657-House

SB 658-House

SB 659-House and Kenney

SB 660-Westfall, et al

SB 661-Westfall, et al

SB 662-Westfall

SB 663-Klarich, et al

SB 664-Klarich

SB 665-Kenney

SB 667-Bentley and Stoll

SB 668-Bentley

SB 669-Bentley

SB 670-Sims

SB 671-Sims

SB 672-Childers

SB 673-Childers

SB 674-Childers

SB 675-Yeckel, et al

SB 676-Yeckel, et al

SB 677-Yeckel

SB 678-Bland

SB 679-Bland

SB 680-Bland

SB 681-Stoll

SB 682-Stoll

SB 683-Stoll

SB 684-Steelman

SB 685-Steelman

SB 686-Steelman

SB 687-Gibbons and Yeckel

SB 688-Gibbons, et al

SB 689-Gibbons, et al

SB 690-Gross

SB 691-Gross, et al

SB 692-Gross

SB 693-Dougherty and Sims

SB 694-Dougherty

SB 695-Dougherty and Sims

SB 696-Cauthorn, et al

SB 697-Cauthorn

SB 698-Cauthorn and

Loudon

SB 699-Wiggins

SB 700-Wiggins

SB 701-Wiggins

SB 702-Caskey

SB 703-Caskey

SB 704-Caskey

SB 705-Russell, et al

SB 706-Russell

SB 707-Russell

SB 708-Mathewson

SB 709-Goode

SB 710-Goode

SB 711-Goode

SB 712-Singleton and Sims

SB 713-Singleton

SB 714-Singleton

SB 715-Rohrbach, et al

SB 716-House and Gross

SB 717-House

SB 718-House and Steelman

SB 719-Westfall and

Yeckel

SB 720-Westfall

SB 721-Westfall

SB 722-Bentley

SB 723-Bentley

SB 724-Bentley

SB 725-Childers

SB 726-Childers

SB 727-Yeckel and Stoll

SB 728-Yeckel

SB 729-Yeckel

SB 730-Bland

SB 731-Bland

SB 732-Bland

SB 733-Steelman

SB 734-Steelman

SB 735-Steelman and

Kinder

SB 736-Dougherty and Sims

SB 737-Cauthorn and

Russell

SB 738-Cauthorn and

Russell

SB 739-Wiggins

SB 740-Wiggins

SB 741-Wiggins

SB 742-Caskey

SB 743-Caskey

SB 744-Caskey

SB 745-Russell

SB 746-Russell and Kinder

SB 747-Russell

SB 748-Goode

SB 749-Goode

SB 750-Goode and Rohrbach

SB 751-Singleton

SB 752-House

SB 753-House

SB 754-House

SB 755-Westfall

SB 756-Westfall

SB 757-Westfall

SB 758-Bentley

SB 759-Yeckel and
Singleton

SB 760-Yeckel

SB 761-Yeckel

SB 762-Bland

SB 763-Bland

SB 764-Bland

SB 765-Steelman

SB 766-Steelman

SB 767-Steelman

SB 768-Wiggins

SB 769-Russell

SB 770-Russell

SB 771-Russell

SB 772-Goode

SB 773-Goode

SB 774-Goode, et al

SB 775-House and Loudon

SB 776-House

SB 777-Yeckel

SB 778-Yeckel

SB 779-Yeckel

SB 780-Bland

SB 781-Bland

SB 782-Bland

SB 783-Steelman

SB 784-Russell

SB 785-Goode and

Dougherty

SB 786-Goode

SB 787-Yeckel

SB 788-Yeckel and Gibbons

SB 789-Bland

SB 790-Bland

SB 791-Bland

SB 792-Bland

SB 793-Bland

SB 794-Bland

SB 795-Schneider

SB 796-Mathewson

SB 797-Westfall

SB 798-Westfall

SB 799-Westfall and Wiggins

SB 800-DePasco

SB 801-DePasco

SB 802-DePasco

SB 803-Dougherty and

Singleton

SB 804-DePasco

SB 805-DePasco

SB 806-Caskey

SB 807-Klarich

SB 808-Gross

SB 809-Gross

SB 810-Dougherty

SB 811-Dougherty and

Bentley

SB 812-Russell

SB 813-Mathewson

SB 814-Childers

SB 815-Childers

SB 816-Gross

SB 817-Gross

SB 818-Westfall

SB 819-Bentley

SB 820-Bentley

SB 821-Dougherty and

Gross

SB 822-Dougherty

SB 823-Cauthorn and Gross

SB 824-Cauthorn and

Yeckel

SB 825-Schneider

SB 826-Gross

SB 827-Dougherty, et al

SB 828-Dougherty

SB 829-Dougherty

SB 830-House, et al

SB 831-Loudon

SB 832-Schneider

SB 833-Schneider

SB 834-Sims

SB 835-Bland

SB 836-Gross and

Dougherty

SB 837-Cauthorn

SB 838-Caskey

SB 839-Goode, et al

SB 840-Gross and Russell

SB 841-Klarich

SB 842-Klarich

SB 843-Stoll

SB 844-Loudon

SB 845-Russell

SB 846-Singleton

SB 847-Singleton

SB 848-Singleton

SB 849-DePasco and

Kennedy

SB 850-House

SB 851-Westfall

SB 852-Bland

SB 853-Stoll

SB 854-Gross

SB 855-Caskey

SB 856-Russell

SB 857-Dougherty

SB 858-Dougherty and Kennedy

SB 859-Russell

SB 860-Rohrbach

SB 861-Rohrbach

SB 862-DePasco

SB 863-Gross

SB 864-Gross and House

SB 865-Foster and Kinder

SB 866-Cauthorn

SB 867-Cauthorn

SB 868-Cauthorn

SB 869-Cauthorn

SB 870-Goode

SB 871-Dougherty

SB 872-Dougherty and Goode

SB 873-House and Gross

SB 874-Bentley

SB 875-Gross

SB 876-Sims

SB 877-Sims

SB 878-Sims

SB 879-Steelman

SB 880-Steelman

SB 881-Steelman and Yeckel

SB 882-Sims

SB 883-DePasco

SB 884-DePasco

SB 885-Bentley

SB 886-Bentley and Stoll

SB 887-Sims

SB 888-Gross

SB 889-Dougherty

SB 890-Kenney

SB 891-Kenney

SB 892-Kenney

SB 893-Rohrbach

SB 894-Kinder

SB 895-Yeckel and Gross

SB 896-Yeckel

SB 897-Dougherty, et al

SB 898-Dougherty, et al

SB 899-Dougherty and Kennedy

SB 900-Goode, et al

SB 901-Goode, et al

SB 902-Goode and Wiggins

SB 903-Klindt

SB 904-Klindt

SB 905-Klindt

SB 906-House

SB 907-House

SB 908-Gibbons

SB 909-Gibbons

SB 910-Gibbons

SB 911-Foster, et al

SJR 22-Schneider

SJR 23-Singleton

SJR 24-Johnson

SJR 25-Klarich and

Gibbons

SJR 26-Klarich

SJR 27-Yeckel

SJR 28-Bland

SJR 30-Cauthorn

SJR 31-Gross

SJR 32-House RESOLUTIONS

HCR 1-Crump (Kenney)

HCR 2-Crump (Kenney)

Journal of the Senate

SECOND REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 10, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The word of the Lord is upright, and all his work is done in faithfulness." (Psalm 33:4)

Heavenly Father, teach us what to do with our lives in answer to the unspeakable riches of Your blessings to us. Be with us this day to deal with the various challenges that await us and help us to be faithful in our serving. Please watch our "going out and coming in" as we travel back to loved ones this day. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 874, regarding Marge Nichols Sullivan, Cape Girardeau, which was adopted.

Senator Mathewson offered Senate Resolution No. 875, regarding the Eightieth Birthday of Don Jackson, Richmond, which was adopted.

Senator Mathewson offered Senate Resolution No. 876, regarding Neta Rosa Vick Hayes Hustler, Warsaw, which was adopted.

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 877

BE IT RESOLVED, by the Senate of the Ninety-first General Assembly of Missouri, Second Regular Session, that the rules adopted by the Ninety-first General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninety-first General Assembly, Second Regular Session.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Quick--1

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senators Wiggins, Bland, Caskey, Jacob, Bentley, Stoll, Gibbons and Cauthorn offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 878

WHEREAS, the members of the Missouri Senate were truly saddened by the death of a former State Representative and an exemplary Missouri citizen, Annette Noble Morgan, on Tuesday, December 18, 2001, at the age of sixty-three; and

WHEREAS, born in Kennett, Missouri, Annette Morgan was a model member of an extended family known for its public service contributions and which included her grandfather, John Bradley, who served on the Missouri Supreme Court and the Springfield Court of Appeals; her mother, Alletha Noble, who was a lawyer and teacher; and her father, John Noble, a lawyer who served sixteen years as a state Senator; and

WHEREAS, to prepare for her chosen life's work, Annette Morgan earned a Bachelor of Arts degree in social work from the University of Missouri-Columbia and a Master of Arts degree in adult and continuing education from the University of Missouri-Kansas City; and

WHEREAS, Annette Morgan pursued a teaching career that began in the Bootheel with her helping migrant workers before she slightly shifted the focus of her endeavors to instruct at William Chrisman High School in Independence and to serve as coordinator of adult and continuing education at Avila College; and

WHEREAS, in 1981 Annette Morgan took her seat in the Missouri General Assembly where she quickly became known as a heartfelt advocate for education and a tireless proponent of educational and health legislation, including the Excellence in Education Act, a bill authorizing the first 24-hour skilled nursing facility in the Midwest for HIV-AIDS, and numerous others; and

WHEREAS, preceded in death by her husband of many years, William B. Morgan, the late Annette Morgan is survived by her children, John and Veronica Morgan of Kansas City and Kathy and David Campbell of Kansas City; granddaughter, Alexis Morgan Campbell; brother, John Noble; aunt, Mildred Kern; many cousins, including Miriam Auble of Kennett; and a true friend, William P. Mackle:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to remember the exceptional endeavors and accomplishments of the late Annette Morgan and to convey to her many family members, friends, neighbors, and colleagues this legislative body's most heartfelt condolences at the passing of her considerable warmth and light from their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the outstanding life and work of the late Annette Noble Morgan of Kansas City, Missouri.

Senator Jacob offered the following resolution:

SENATE RESOLUTION NO. 879

Notice is hereby given by the Senator from the 19th District, pursuant to the one-day notice requirement of Senate Rule 97, of the intent to put forth a motion to adopt the following rule change:

WHEREAS, in order to protect the interests of all the citizens of the Missouri, it is essential that the Missouri Senate maintain employment practices of support staff that will facilitate the hiring and retention of competent professionals; and

WHEREAS, the elected Senators themselves and members of their immediate staff are essentially partisan, it is in the state's best interest for Senate support staff to be nonpartisan; and

WHEREAS, fifty-two years passed before there was a change in the majority party in the Missouri Senate, such change will always be subject to the outcome of elections every two years; and

WHEREAS, it clearly would not be in the Senate's or the state's best interest to replace support staff based on the outcome of elections; and

WHEREAS, it is natural that employees that are currently employed would have cause to believe that their job security is in question due to the change in partisan control and the overwhelming rate of turnover in support staff following the recent change in partisan control; and

WHEREAS, it is essential that support staff serve all Senators regardless of party affiliation such that the hiring decisions should be made outside a partisan environment and that such employment decision be on a consensus basis; and

WHEREAS, the Senate support staff should perform functions of a nonpartisan and nonpolitical nature and should remain nonpartisan and nonpolitical and should be able to perform their duties safe from fear of partisan and political retribution and in a fair nonpartisan employment environment; and

WHEREAS, there are a very limited number of positions which are best performed by individuals with a partisan or political relationship to the member or members:

NOW THEREFORE BE IT RESOLVED that a Senate Committee on Safe and Fair Employment Practices composed of three Republicans and three Democrats be established to preside over any employment decisions affecting employees of the Senate, other than employees of the individual senators and their district offices; and

BE IT FURTHER RESOLVED that this committee shall also periodically conduct a comprehensive review of staff functions and staff structure in those offices serving the body of the Missouri Senate and further determine what functions the staff should perform and whether the current allocation of resources most efficiently meets the needs of the Senate of today and tomorrow; and

BE IT FURTHER RESOLVED that rule 25 and rule 28 be revised as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 9 members.
3. Committee on Agriculture, Conservation, Parks and Tourism, 9 members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Education, 11 members.
8. Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, 9 members.
9. Committee on Gubernatorial Appointments, 9 members.
10. Committee on Insurance and Housing, 9 members.
11. Committee on Interstate Cooperation, 5 members.
12. Committee on Judiciary, 7 members.
13. Committee on Labor and Industrial Relations, 7 members.
14. Committee on Local Government and Economic Development, 9 members.
15. Committee on Legislative Research (statutory), 10 members.

16. Committee on Pensions and General Laws, 9 members.

17. Committee on Public Health and Welfare, 7 members.

18. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.

19. Committee on Safe and Fair Employment Practices, 6 members; to be composed of 3 members of the majority party and 3 members of the minority party.

[19.] **20.** Committee on State Budget Control, 9 members.

[20.] **21.** Committee on Transportation, 9 members.

[21.] **22.** Committee on Ways and Means, 9 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, **and** the assignment of offices and seats[, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee]. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. [All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them.] When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. The Committee on Financial and Governmental Organization, Veterans' Affairs and Elections shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the

effect of federal legislation upon any state agency. The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to election law and to military organizations and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

10. The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

11. The Committee on Interstate Cooperation shall consider all matters and examine and report on all bills and other matters referred to it which relate to interstate problems and cooperation.

12. The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

13. The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

14. The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

15. The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

16. The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

17. The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

18. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

19. The Committee on Safe and Fair Employment Practices shall determine the needs of the Senate for support staff, employment and compensation for all employees of the Senate other than employees of the individual senators and senate district offices. The committee shall be authorized to employ a Senate Administrator, who shall be provided with office space as designated by the committee. All employees of the Senate, other than elected officials of the Senate and employees of the individual senators and senate district offices, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them so as to ensure the nonpartisan nature of such employees and to provide them with a safe and fair employment environment.

20. The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after

having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

[20.] **21.** The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[21.] **22.** The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.".

Senator Gibbons offered Senate Resolution No. 880, regarding Barretts Elementary School D.A.R.E. Program, Manchester, which was adopted.

Senator Schneider offered the following resolution:

SENATE RESOLUTION NO. 881

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Fourteenth District of the one day's notice pursuant to rule 97 of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, Second Regular Session, that the temporary rules be amended to read as follows:

"Rule 97. No standing rule or order of the senate shall be rescinded or changed without one day's notice being given of the motion thereof, **which notice shall be printed in the journal of the senate**, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a two-thirds majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. **Upon one day's notice of the proposed rule change having been given, the senate resolution adopting such rule change shall not be assigned to a committee without consent of the sponsoring senator and shall be considered by the senate as a special order of business any day thereafter upon motion of the sponsor.**".

Senator Schneider offered Senate Resolution No. 882, regarding the death of Carla Henry, which was adopted.

Senators Schneider and Goode offered Senate Resolution No. 883, regarding Michon's Barbeque & Fish Restaurant & Lounge, Normandy, which was adopted.

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 884

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of the same to be paid out of the contingent fund of the Senate.

Senator Kenney offered the following resolution, which was adopted:

SENATE RESOLUTION NUMBER 885

WHEREAS, on September 11, 2001, the United States of America suffered a deadly attack in a brutal and cowardly act of terrorism; and

WHEREAS, the September 11, 2001, terrorist attacks in New York, Washington, D.C., and Pennsylvania resulted in more than 3000 Americans and other world citizens being killed or declared missing, including Mr. Randy Drake, 37, Lee's Summit, Sgt. Major Lacey Ivory, 43, Kansas City; Julie M. Geis, Lee's Summit and an unknown number of other friends, family, and relations of our state; and

WHEREAS, the Missouri Senate wishes to express its deep heartfelt sympathy to those who have experienced loss in this horrendous crime and extend our hands in support and comfort; and

WHEREAS, we affirm the courageous efforts of fire and police personnel, civil servants, and disaster relief volunteers for their heroic and sacrificial service to the victims and their families; and

WHEREAS, we prayerfully support our military service personnel, and all civil servants who bravely defend our freedom, both in our homeland and abroad; and

WHEREAS, the Missouri Senate reaffirms its commitment to exercise all due diligence to preserve and protect the safety and freedoms of all Missourians; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, affirm President George W. Bush, his leadership team, and the United States Congress for their courageous leadership during these days of national and international crisis; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for President George W. Bush, United States Secretary of Defense Donald Rumsfeld, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

Senator Singleton requested unanimous consent of the Senate to withdraw **SB 846** and **SB 847**, which request was granted.

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 912-By Mathewson.

An Act to repeal section 311.178, RSMo, relating to liquor licenses, and to enact in lieu thereof one new section relating to the same subject.

SB 913-By Rohrbach.

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to the crime of promoting or providing a Mexican poker contest, with a penalty provision.

SB 914-By Jacob.

An Act to repeal sections 160.534, 173.250 and 313.820, RSMo, relating to gaming and the distribution of educational proceeds, and to enact in lieu thereof four new sections relating to the same subject, with an expiration date for a certain section.

SB 915-By Westfall, Goode, Russell and Staples.

An Act to repeal sections 142.803, 144.020, 144.440, 144.700 and 226.200, RSMo, relating to transportation, and to enact in lieu thereof seven new sections relating to the same subject, with a referendum clause, effective date and a contingent termination date for certain sections.

SB 916-By Dougherty, Bentley and Sims.

An Act to repeal section 488.445, RSMo, relating to surcharges on civil cases/marriages, and to enact in lieu thereof one new section relating to the same subject.

SB 917-By Dougherty and Sims.

An Act to repeal section 210.516, RSMo, relating to foster care, and to enact in lieu thereof one new section relating to the same subject.

SB 918--By Klarich.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to the display of the United States flag.

SB 919--By Klarich.

An Act to repeal section 301.560, RSMo, relating to licensing of motor vehicle dealers, and to enact in lieu thereof one new section relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 631--Judiciary.

SB 632--Ways and Means.

SB 633--Insurance and Housing.

SB 634--Ways and Means.

SB 635--Insurance and Housing.

SB 636--Local Government and Economic Development.

SB 637--Judiciary.

SB 639--Public Health and Welfare.

SB 640--Aging, Families and Mental Health.

SB 641--Labor and Industrial Relations.

SB 642--Public Health and Welfare.

SB 643--Pensions and General Laws.

SB 644--Transportation.

SB 645--Local Government and Economic Development.

SB 646--Transportation.

SB 647--Transportation.

SB 648--Ways and Means.

SB 649--Interstate Cooperation.

SB 650--Judiciary.

SB 651--Public Health and Welfare.

SB 652--Public Health and Welfare.

SB 653--Aging, Families and Mental Health.

SB 654--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 655--Gubernatorial Appointments.

SB 656--Insurance and Housing.

SB 657--Judiciary.

SB 658--Insurance and Housing.

SB 659--Education.

SB 660--Transportation.

SB 661--Education.

SB 662--Civil and Criminal Jurisprudence.

SB 663--Ways and Means.

SB 664--Ways and Means.

SB 665--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 667--Education.

SB 668--Education.

SB 669--Local Government and Economic Development.

SB 670--Aging, Families and Mental Health.

SB 671--Public Health and Welfare.

SB 672--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 673--Civil and Criminal Jurisprudence.

SB 674--Education.

SB 675--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 676--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 677--Ways and Means.

SB 678--Education.

SB 679--Education.

SB 680--Public Health and Welfare.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Toni Hendricks, Springfield.

Senator Steelman introduced to the Senate, the Physician of the Day, Dr. James T. Shaw, Hermann.

Senator Childers introduced to the Senate, Jonathan Mendenhall, Luke Douglas and Amy Huddleston, Point Lookout.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, January 14, 2002.

SENATE CALENDAR

THIRD DAY-MONDAY, JANUARY 14, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 682-Stoll

SB 683-Stoll

SB 684-Steelman

SB 685-Steelman

SB 686-Steelman

SB 687-Gibbons and Yeckel

SB 688-Gibbons, et al

SB 689-Gibbons, et al

SB 690-Gross

SB 691-Gross, et al

SB 692-Gross

SB 693-Dougherty and Sims

SB 694-Dougherty

SB 695-Dougherty and Sims

SB 696-Cauthorn, et al

SB 697-Cauthorn

SB 698-Cauthorn and

Loudon

SB 699-Wiggins

SB 700-Wiggins

SB 701-Wiggins

SB 702-Caskey

SB 703-Caskey

SB 704-Caskey

SB 705-Russell, et al

SB 706-Russell

SB 707-Russell and Loudon

SB 708-Mathewson

SB 709-Goode

SB 710-Goode

SB 711-Goode

SB 712-Singleton and Sims

SB 713-Singleton

SB 714-Singleton

SB 715-Rohrbach, et al

SB 716-House and Gross

SB 717-House

SB 718-House and Steelman

SB 719-Westfall and

Yeckel

SB 720-Westfall

SB 721-Westfall

SB 722-Bentley

SB 723-Bentley

SB 724-Bentley

SB 725-Childers

SB 726-Childers

SB 727-Yeckel and Stoll

SB 728-Yeckel

SB 729-Yeckel

SB 730-Bland

SB 731-Bland

SB 732-Bland

SB 733-Steelman

SB 734-Steelman

SB 735-Steelman and

Kinder

SB 736-Dougherty and Sims

SB 737-Cauthorn and

Russell

SB 738-Cauthorn and

Russell

SB 739-Wiggins

SB 740-Wiggins

SB 741-Wiggins

SB 742-Caskey

SB 743-Caskey

SB 744-Caskey

SB 745-Russell

SB 746-Russell and Kinder

SB 747-Russell

SB 748-Goode

SB 749-Goode

SB 750-Goode and Rohrbach

SB 751-Singleton

SB 752-House

SB 753-House

SB 754-House

SB 755-Westfall

SB 756-Westfall

SB 757-Westfall

SB 758-Bentley

SB 759-Yeckel and

Singleton

SB 760-Yeckel

SB 761-Yeckel

SB 762-Bland

SB 763-Bland

SB 764-Bland

SB 765-Steelman

SB 766-Steelman

SB 767-Steelman

SB 768-Wiggins

SB 769-Russell

SB 770-Russell

SB 771-Russell

SB 772-Goode

SB 773-Goode

SB 774-Goode, et al

SB 775-House and Loudon

SB 776-House

SB 777-Yeckel

SB 778-Yeckel

SB 779-Yeckel

SB 780-Bland

SB 781-Bland

SB 782-Bland

SB 783-Steelman

SB 784-Russell

SB 785-Goode and

Dougherty

SB 786-Goode

SB 787-Yeckel

SB 788-Yeckel and Gibbons

SB 789-Bland

SB 790-Bland

SB 791-Bland

SB 792-Bland

SB 793-Bland

SB 794-Bland

SB 795-Schneider

SB 796-Mathewson

SB 797-Westfall

SB 798-Westfall

SB 799-Westfall and

Wiggins

SB 800-DePasco

SB 801-DePasco

SB 802-DePasco

SB 803-Dougherty and

Singleton

SB 804-DePasco

SB 805-DePasco

SB 806-Caskey

SB 807-Klarich

SB 808-Gross

SB 809-Gross

SB 810-Dougherty

SB 811-Dougherty and

Bentley

SB 812-Russell

SB 813-Mathewson

SB 814-Childers

SB 815-Childers

SB 816-Gross

SB 817-Gross

SB 818-Westfall

SB 819-Bentley

SB 820-Bentley

SB 821-Dougherty and

Gross

SB 822-Dougherty

SB 823-Cauthorn and Gross

SB 824-Cauthorn and

Yeckel

SB 825-Schneider

SB 826-Gross

SB 827-Dougherty, et al

SB 828-Dougherty

SB 829-Dougherty

SB 830-House, et al

SB 831-Loudon

SB 832-Schneider

SB 833-Schneider

SB 834-Sims

SB 835-Bland

SB 836-Gross and

Dougherty

SB 837-Cauthorn

SB 838-Caskey

SB 839-Goode, et al

SB 840-Gross and Russell

SB 841-Klarich

SB 842-Klarich

SB 843-Stoll

SB 844-Loudon

SB 845-Russell

SB 848-Singleton

SB 849-DePasco and

Kennedy

SB 850-House

SB 851-Westfall

SB 852-Bland

SB 853-Stoll

SB 854-Gross

SB 855-Caskey

SB 856-Russell

SB 857-Dougherty

SB 858-Dougherty and

Kennedy

SB 859-Russell

SB 860-Rohrbach

SB 861-Rohrbach

SB 862-DePasco

SB 863-Gross

SB 864-Gross and House

SB 865-Foster and Kinder

SB 866-Cauthorn

SB 867-Cauthorn

SB 868-Cauthorn

SB 869-Cauthorn

SB 870-Goode

SB 871-Dougherty

SB 872-Dougherty and

Goode

SB 873-House and Gross

SB 874-Bentley

SB 875-Gross

SB 876-Sims

SB 877-Sims

SB 878-Sims

SB 879-Steelman

SB 880-Steelman

SB 881-Steelman and
Yeckel

SB 882-Sims

SB 883-DePasco

SB 884-DePasco

SB 885-Bentley

SB 886-Bentley and Stoll

SB 887-Sims

SB 888-Gross

SB 889-Dougherty

SB 890-Kenney

SB 891-Kenney

SB 892-Kenney

SB 893-Rohrbach

SB 894-Kinder

SB 895-Yeckel and Gross

SB 896-Yeckel

SB 897-Dougherty, et al

SB 898-Dougherty, et al

SB 899-Dougherty and
Kennedy

SB 900-Goode, et al

SB 901-Goode, et al

SB 902-Goode and Wiggins

SB 903-Klindt

SB 904-Klindt

SB 905-Klindt

SB 906-House

SB 907-House

SB 908-Gibbons

SB 909-Gibbons

SB 910-Gibbons

SB 911-Foster, et al

SB 912-Mathewson

SB 913-Rohrbach

SB 914-Jacob

SB 915-Westfall, et al

SB 916-Dougherty, et al

SB 917-Dougherty and Sims

SB 918-Klarich

SB 919-Klarich

SJR 22-Schneider

SJR 23-Singleton

SJR 24-Johnson

SJR 25-Klarich and Gibbons

SJR 26-Klarich and Cauthorn

SJR 27-Yeckel

SJR 28-Bland

SJR 30-Cauthorn

SJR 31-Gross

SJR 32-House

RESOLUTIONS

SR 879-Jacob

SR 881-Schneider

HCR 1-Crump (Kenney)

HCR 2-Crump (Kenney)

Journal of the Senate

SECOND REGULAR SESSION

THIRD DAY--MONDAY, JANUARY 14, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Spirit of the Lord speaks through me, his word is upon my tongue." (2 Samuel 23:2)

Gracious God, as we begin this new week, let us find reason to give You thanks. For You, O Lord, are worthy of thanksgiving and praise. Sustain us this week by Your loving kindness and give to us each day the knowledge of Your goodness and mercy, so we may reflect in our work the gifts we receive given to others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 10, 2002, was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel--31	
Absent with leave--Senators			
Singleton	Westfall--2		
	Vacancies--1		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Foster offered Senate Resolution No. 886, regarding Beverly S. Piepenbrok, Jackson, which was adopted.

Senator Gross offered Senate Resolution No. 887, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Louis P. Moellenbeck, St. Peters, which was adopted.

Senators Gross and House offered Senate Resolution No. 888, regarding Reverend Richard Joseph Tillman, St.

Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 889, regarding Rich Brooks, St. Peters, which was adopted.

Senators Gross and House offered Senate Resolution No. 890, regarding Jean Maurice "Mo" Thro, Jr., St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 891, regarding Melvin A. Washington, St. Charles, which was adopted.

Senator Cauthorn offered Senate Resolution No. 892, regarding Reverend Eugene Stueve, Macon, which was adopted.

Senator Kenney offered Senate Resolution No. 893, regarding Paul Bryon Livingston, Lee's Summit, which was adopted.

Senator Schneider offered Senate Resolution No. 894, regarding Matthew James "Matt" Hieke, Florissant, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 895

WHEREAS, in 1958 at the height of the Cold War and just months after the Soviet Union launched Sputnik, a young American stunned the Soviet audience and the jury at the first *Tchaikovsky International Piano Competition* in Moscow. The nervous jury finally consulted with Premier Khrushchev about giving the prize to an American, rather than to the favored Russian pianist. To his credit, Khrushchev told the jury to give the prize to the best of the contestants, so the world was shocked to hear Van Cliburn of Kilgore, Texas announced the winner. Cliburn returned to a ticker tape parade down New York's Broadway and went on to a long and brilliant career as concert pianist; and

WHEREAS, four years after his return from Moscow, Van Cliburn helped create the Van Cliburn Foundation with the goal of holding an international piano competition, as does the Olympics, every four years. Today this is the premier international competition and has supplanted the *Tchaikovsky International Competition*, which ceased to exist; and

WHEREAS, this year saw the *Eleventh Van Cliburn International Piano Competition* in Fort Worth, Texas, a competition which began with 137 invited pianists to audition in seven cities around the world. The audition reduced the field to the 30 best from 11 countries, who were invited to Fort Worth for the *Van Cliburn International*; and

WHEREAS, Stanislav Ioudenitch began his life in the Soviet Republic of Uzbekistan, today a separate and free republic, yet his remarkable talent took him eventually to study with Dmitri Bashkirov at the Escuela Superior de Musica Reina Sofia in Madrid, Spain. From there he went to the prestigious International Piano Foundation in Cadenabbia, Italy--where he studied for two years; and

WHEREAS, Mr. Ioudenitch's skills were such that, as he continued his studies, he was able to perform with the orchestras of Munich Philharmonic and the Philharmonie der Nationen in Germany, the National Symphony Orchestra in Washington D.C. and his solo recitals have taken him to the former Soviet Union, Finland, Germany, Greece, Italy, and the United Kingdom; and

WHEREAS, during this period, Mr. Ioudenitch competed and won prestigious competitions--on the international scene, the 1990 Maria Callas and the 1994 Kapell Competitions and on the national scene, the 1998 Palm Beach Invitational and the 2000 New Orleans International Competition; and

WHEREAS, Mr. Ioudenitch's decision to round out his training and to pursue a doctorate, brought him to Missouri, where he enrolled at the University of Missouri-Kansas City's Conservatory of Music. He chose as his mentor Dr. Robert Weirich who occupies the *Jack Strandberg/Missouri Chair in Piano*. This Chair was created and funded by the Missouri General Assembly and Janet T. Strandberg, wife of the late Jack Strandberg. Its aim, which all Chairs hold, is to attract a world-class teacher and to honor someone in a significant manner; and

WHEREAS, Mr. Ioudenitch, as one of the 137 who auditioned for entry into the *Van Cliburn* competition, was selected by the jury and designated one of the 30 who would be invited to Fort Worth to face the series of elimination hurdles that lead to a Gold Medal. Then he was selected from the 30 to join the 12 semifinalists. As a semifinalist he had to play another recital and then play with the renowned *Takács Quartet*, as did all semifinalists. For his performance with the quartet, he won the *Steven De Grote Memorial Award for the Best Performance of Chamber Music* and was selected one of the six finalists. The six finalists had to play two concerti with the *Fort Worth Symphony Orchestra*; and

WHEREAS, Mr. Stanislav Ioudenitch was awarded the Gold Medal and, for the first time, the jury declared a tie and awarded a Gold Medal as well to Olga Kern of Russia; and

WHEREAS, Mr. Ioudenitch has brought fame to himself, to his home in Uzbekistan, to his teachers, to UMKC's Conservatory of Music, to the University of Missouri and to the State of Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute Stanislav Ioudenitch on his outstanding accomplishment of winning the *Van Cliburn* competition Gold Medal for 2001, express their congratulations and appreciation for the great honor and international recognition Mr. Ioudenitch has brought to the University of Missouri-and to the State of Missouri, and extend to Mr. Ioudenitch, his family and many friends very best wishes for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. Stanislav Ioudenitch; Chancellor, Dr. Martha Gilliland, University of Missouri-Kansas City; Dean, Randall Pembroke, University of Missouri-Kansas City; Conservatory of Music; and President, Dr. Manuel T. Pacheco, University of Missouri.

CONCURRENT RESOLUTIONS

Senator Kenney moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Kenney, **HCR 1** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Steelman	Stoll	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senators			
Bland	Schneider	Singleton	Westfall--4
Vacancies--1			

Senator Kenney moved that **HCR 2** be taken up for adoption, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Kenney, **HCR 2** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Steelman	Stoll	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senators			
Bland	Schneider	Singleton	Westfall--4

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 920-By Caskey.

An Act to repeal sections 162.1136, 162.1139, 178.160, 178.180, 191.853 and 209.010, RSMo, relating to rehabilitation services for the blind, and to enact in lieu thereof six new sections relating to the same subject.

SB 921-By Sims, Goode, Kennedy, Gibbons, Dougherty, Yeckel and Westfall.

An Act to repeal section 302.302, RSMo, relating to prohibiting the transportation of hazardous loads on the state highway system, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 922-By Sims.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to child protection, with penalty provisions.

SB 923-By Sims.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to foster parent rights and responsibilities.

SB 924-By Sims.

An Act to repeal sections 332.051, 332.071, 332.081, 332.111 and 332.121, RSMo, relating to non-profit-corporations that provide dental services, with penalty provisions, and to enact in lieu thereof six new sections relating to the same subject.

SB 925-By Sims and Dougherty.

An Act to repeal section 307.178, RSMo, relating to seat belts, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 926-By Kenney, Wiggins, Jacob, Yeckel and Steelman.

An Act to repeal sections 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.568 and 301.573, RSMo, relating to the sale of motor vehicles and vessels, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

SB 927-By Jacob and Wiggins.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales tax on retail sales of clothing and school supplies before the start of the school year, with an emergency clause and an expiration date.

SB 928-By Jacob and Loudon.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes on health and fitness centers.

SB 929-By Stoll.

An Act to repeal sections 194.210, 194.230, 194.233, 194.240, 194.297, 194.300, 194.302, 302.171 and 302.181, RSMo, relating to organ donation and procurement, and to enact in lieu thereof nine new sections relating to the same subject.

SB 930-By Stoll.

An Act to repeal section 302.130, RSMo, relating to drivers license permits, and to enact in lieu thereof one new section relating to the same subject.

SB 931-By Klarich.

An Act to repeal sections 347.143, 351.055, 351.182, 351.385, 351.400 and 351.455, RSMo, relating to business organizations, and to enact in lieu thereof nine new sections relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Stoll offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 35

WHEREAS, under the Balanced Budget Act of 1997, Congress mandated that ambulance services be placed on a fee schedule for Medicare reimbursement; and

WHEREAS, to develop the fee schedule, Congress required that a Negotiated Rulemaking Committee be convened to establish certain policies of the fee schedule and implementation of the rule establishing this fee schedule is planned for April of 2002; and

WHEREAS, the fee schedule is based on four-year old cost data, and additionally, Medicare will only pay 80% of the lesser amount of either the actual charge from the ambulance provider or the Fee Schedule Amount and the patient will be responsible for the remaining 20%;

WHEREAS, Ambulance services will no longer be able to bill the patient any amount beyond the 20% coinsurance and any unmet deductible, then ambulance services will have to absorb any cost over and above the fee schedule amount; and

WHEREAS, by requiring the Medicare schedule to be accepted as total payment, providers (including hospitals, public utility model systems and private operators) who have had low Medicare allowable charges will not be able to balance-bill the patients for the difference and the burden will be on the ambulance service to shoulder the reimbursement that is below today's costs or stop providing service, and the Schedule requires reimbursement at a basic life support rate for some procedures that are considered to be advanced life support measures; and

WHEREAS, although national practice standards and state training requirements mandate that some procedures be performed by paramedics, the Medicare program will only pay for the service at the basic, EMT rate, thus, ambulance services will have to further supplement the cost of services by paying the higher paramedic salary for services that will be reimbursed at the lower EMT allowable cost, or discontinue offering the higher level of emergency care; and

WHEREAS, the revised fee takes effect immediately in April, 2002, and the federal Centers for Medicare and Medicaid Services will not allow a transition period for providers who in the past have billed runs at the paramedic (advanced life support) level on every call because of local ordinances that require advanced life support on every call; and

WHEREAS, local communities will have to decide if they are going to continue to require services to provide the advanced life support level of care, and since Medicare is reducing support for this higher level of care, communities may have to downgrade to a basic life support, thereby decreasing the level of emergency care available to Missourians:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Congress to redesign the ambulance fee schedule for Medicare reimbursement to take into consideration current actual cost data and support of advanced life support emergency medical services because without these considerations, Missourians cannot be assured that they will receive the level of medical services they need in times of a medical emergency; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 682--Local Government and Economic Development.

SB 683--Local Government and Economic Development.

SB 684--Aging, Families and Mental Health.

SB 685--Financial and Governmental Organi-ation, Veterans' Affairs and Elections.

SB 686--Judiciary.

SB 687--Aging, Families and Mental Health.

SB 688--Ways and Means.

SB 689--Judiciary.

SB 690--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 691--Ways and Means.

SB 692--Education.

SB 693--Aging, Families and Mental Health.

SB 694--Aging, Families and Mental Health.

SB 695--Aging, Families and Mental Health.

SB 696--Appropriations.

SB 697--Education.

SB 698--Judiciary.

SB 699--Ways and Means.

SB 700--Pensions and General Laws.

SB 701--Transportation.

SB 702--Aging, Families and Mental Health.

SB 703--Transportation.

SB 704--Civil and Criminal Jurisprudence.

SB 705--Labor and Industrial Relations.

SB 706--Judiciary.

SB 707--Labor and Industrial Relations.

SB 708--Commerce and Environment.

SB 709--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 710--Transportation.

SB 711--Local Government and Economic Development.

SB 712--Public Health and Welfare.

SB 713--Labor and Industrial Relations.

SB 714--Public Health and Welfare.

SB 715--Commerce and Environment.

SB 716--Ways and Means.

SB 717--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 718--Education.

SB 719--Education.

SB 720--Civil and Criminal Jurisprudence.

SB 721--Transportation.

SB 722--Education.

SB 723--Agriculture, Conservation, Parks and Tourism.

SB 724--Aging, Families and Mental Health.

SB 725--Local Government and Economic Development.

SB 726--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 727--Transportation.

SB 728--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 729--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 730--Insurance and Housing.

SB 731--Judiciary.

SB 732--Aging, Families and Mental Health.

SB 733--Ways and Means.

SB 734--Ways and Means.

SB 735--Ways and Means.

SB 736--Aging, Families and Mental Health.

SB 737--Transportation.

SB 738--Transportation.

SB 739--Interstate Cooperation.

SB 740--Aging, Families and Mental Health.

SB 741--Public Health and Welfare.

SB 896--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Carnahan, Harlan, Johnson (61), Mays (50), Monaco, Whorton, Gaskill, Marble, Bartelsmeyer and Levin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to escort Lieutenant Governor Joe Maxwell and members of the Senate to the House Chamber: Representatives: Barnitz, Curls, Daus, Harding, Gratz, Liese, Hendrickson, Naeger, Reid and Barnett.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Nikki Patton, Kentucky.

Senator Foster introduced to the Senate, his daughter, Karmen Foster, Poplar Bluff.

Senator Kinder introduced to the Senate, Dr. Gene MacDonald, O.D., New Hamburg; Dr. Jim Tom Hall, O.D., Cape Girardeau; and a group of optometrists from around the state.

Senator Cauthorn introduced to the Senate, Travis Hitchok, Mexico.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY-TUESDAY, JANUARY 15, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 742-Caskey

SB 743-Caskey

SB 744-Caskey

SB 745-Russell

SB 746-Russell and Kinder

SB 747-Russell

SB 748-Goode

SB 749-Goode

SB 750-Goode and Rohrbach

SB 751-Singleton

SB 752-House

SB 753-House

SB 754-House

SB 755-Westfall

SB 756-Westfall

SB 757-Westfall

SB 758-Bentley

SB 759-Yeckel and

Singleton

SB 760-Yeckel

SB 761-Yeckel

SB 762-Bland

SB 763-Bland

SB 764-Bland

SB 765-Steelman

SB 766-Steelman

SB 767-Steelman

SB 768-Wiggins

SB 769-Russell

SB 770-Russell

SB 771-Russell

SB 772-Goode

SB 773-Goode

SB 774-Goode, et al

SB 775-House and Loudon

SB 776-House

SB 777-Yeckel

SB 778-Yeckel

SB 779-Yeckel

SB 780-Bland

SB 781-Bland

SB 782-Bland

SB 783-Steelman

SB 784-Russell

SB 785-Goode and

Dougherty

SB 786-Goode

SB 787-Yeckel

SB 788-Yeckel and Gibbons

SB 789-Bland

SB 790-Bland

SB 791-Bland

SB 792-Bland

SB 793-Bland

SB 794-Bland

SB 795-Schneider

SB 796-Mathewson

SB 797-Westfall

SB 798-Westfall

SB 799-Westfall and

Wiggins

SB 800-DePasco

SB 801-DePasco

SB 802-DePasco

SB 803-Dougherty and

Singleton

SB 804-DePasco

SB 805-DePasco

SB 806-Caskey

SB 807-Klarich

SB 808-Gross

SB 809-Gross

SB 810-Dougherty

SB 811-Dougherty and Bentley

SB 812-Russell

SB 813-Mathewson

SB 814-Childers

SB 815-Childers

SB 816-Gross

SB 817-Gross

SB 818-Westfall

SB 819-Bentley

SB 820-Bentley

SB 821-Dougherty and

Gross

SB 822-Dougherty

SB 823-Cauthorn and Gross

SB 824-Cauthorn and

Yeckel

SB 825-Schneider

SB 826-Gross

SB 827-Dougherty, et al

SB 828-Dougherty

SB 829-Dougherty

SB 830-House, et al

SB 831-Loudon and Kennedy

SB 832-Schneider

SB 833-Schneider

SB 834-Sims

SB 835-Bland

SB 836-Gross and

Dougherty

SB 837-Cauthorn

SB 838-Caskey

SB 839-Goode, et al

SB 840-Gross and Russell

SB 841-Klarich

SB 842-Klarich

SB 843-Stoll

SB 844-Loudon

SB 845-Russell

SB 848-Singleton

SB 849-DePasco and

Kennedy

SB 850-House

SB 851-Westfall

SB 852-Bland

SB 853-Stoll

SB 854-Gross

SB 855-Caskey

SB 856-Russell

SB 857-Dougherty

SB 858-Dougherty and

Kennedy

SB 859-Russell

SB 860-Rohrbach

SB 861-Rohrbach

SB 862-DePasco

SB 863-Gross

SB 864-Gross and House

SB 865-Foster and Kinder

SB 866-Cauthorn

SB 867-Cauthorn

SB 868-Cauthorn

SB 869-Cauthorn

SB 870-Goode

SB 871-Dougherty

SB 872-Dougherty and

Goode

SB 873-House and Gross

SB 874-Bentley

SB 875-Gross

SB 876-Sims

SB 877-Sims

SB 878-Sims

SB 879-Steelman

SB 880-Steelman

SB 881-Steelman and Yeckel

SB 882-Sims

SB 883-DePasco

SB 884-DePasco

SB 885-Bentley

SB 886-Bentley and Stoll

SB 887-Sims

SB 888-Gross

SB 889-Dougherty

SB 890-Kenney

SB 891-Kenney

SB 892-Kenney

SB 893-Rohrbach

SB 894-Kinder

SB 895-Yeckel and Gross

SB 897-Dougherty, et al

SB 898-Dougherty, et al

SB 899-Dougherty and Kennedy

SB 900-Goode, et al

SB 901-Goode, et al

SB 902-Goode, et al

SB 903-Klindt

SB 904-Klindt

SB 905-Klindt

SB 906-House

SB 907-House

SB 908-GibbonsSB 909-Gibbons

SB 910-Gibbons

SB 911-Foster, et al

SB 912-Mathewson

SB 913-Rohrbach

SB 914-Jacob

SB 915-Westfall, et al

SB 916-Dougherty, et al

SB 917-Dougherty and Sims

SB 918-Klarich

SB 919-Klarich

SB 920-Caskey

SB 921-Sims, et al

SB 922-Sims

SB 923-Sims

SB 924-Sims

SB 925-Sims and Dougherty

SB 926-Kenney, et al

SB 927-Jacob and Wiggins

SB 928-Jacob and Loudon

SB 929-Stoll

SB 930-Stoll

SB 931-Klarich

SJR 22-Schneider

SJR 23-Singleton

SJR 24-Johnson

SJR 25-Klarich and

Gibbons

SJR 26-Klarich and

Cauthorn

SJR 27-Yeckel

SJR 28-Bland

SJR 30-Cauthorn

SJR 31-Gross

SJR 32-House

RESOLUTIONS

SR 879-Jacob

SR 881-Schneider

To be Referred

SCR 35-Stoll

Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 15, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"You must diligently observe everything that I command you, do not add to it or take anything from it." (Deuteronomy 12:32)

Gracious God, help us to see that Your law does not need to be redone nor Your plan for the earth; but help us discern the bills that we deliberate may be able to help others be aware of proper living and assist in bringing life in concert with Your will. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder submitted the following committee appointment, pursuant to **HCR 1**: Senators Gibbons, House, Jacob, Kennedy, Klarich, Klindt, Schneider, Steelman, Wiggins and Yeckel.

Senator Kenney moved that the Senate recess to repair to the House of Representatives to receive a message from the

Chief Justice of the Supreme Court, the Honorable Stephen N. Limbaugh, Jr., which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent--Senator Singleton-- 1			
Absent with leave--Senators--None			
Vacancies-- 1			

On roll call the following Representatives were present:

Present--Representatives			
Abel	Ballard	Barnett	Barnitz
Barry (100)	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland
Boatright	Bonner	Boucher	Bowman
Boykins	Bray (84)	Britt	Brooks
Campbell	Carnahan	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley
Fraser	Froelker	George	Graham
Gratz	Green (15)	Green (73)	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Holt	Hoppe
Hunter	Jetton	Johnson (61)	Johnson (90)
Jolly	Kelley (47)	Kelly (144)	Kelly (27)
Kelly (36)	King	Koller	Lawson
Legan	Levin	Liese	Linton
Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May (149)	Mayer
McKenna	Merideth	Miller	Monaco
Moore	Myers	Naeger	Nordwald
O'Connor	Ostmann	O'Toole	Overschmidt
Phillips	Portwood	Quinn	Ransdall
Rector	Reid	Reinhart	Relford

Richardson	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Scott
Seigfreid	Selby	Shelton	Shields
Shoemaker	Skaggs	Smith	St. Onge
Surface	Townley	Treadway	VanZandt
Villa	Vogel	Wagner	Walton
Ward	Whorton	Williams	Willoughby
Wilson (25)	Wilson (42)	Wright	Mr. Speaker--140
Absent and Absent with Leave--Representatives			
Baker	Bartelsmeyer	Burcham	Burton
Byrd	Franklin	Gambaro	Gaskill
Hollingsworth	Hosmer	Lograsso	Mays (50)
Murphy	Purgason	Reynolds	Ridgeway
Secrest	Shoemyer	Thompson	Troupe--20
	Vacancies--3		

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Stephen N. Limbaugh, Jr., escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

The State of the Judiciary

Address of Chief Justice Stephen N. Limbaugh, Jr.

to the

91st General Assembly, Second Regular Session

January 15, 2002

President Maxwell, Speaker Kreider, distinguished members of the Senate and House of Representatives. My office in the beautiful red brick building across the street is adorned with photographs and wall hangings and tables full of mementos and newspaper clippings and all sorts of personal reminders of my family and my career and my many blessings. Prominently displayed on one wall is a framed copy of the collection of photographs of each of the members of the House of Representatives who served in the 56th General Assembly some 70 years ago in 1931 and 1932. The original of the collection hangs on the fourth floor of this building, and my copy is one of the items in my office that I cherish most. You see, one of the photographs depicts my grandfather, the original "Rush Limbaugh," who passed away just six years ago at age 104.

My grandfather served only one term. He didn't run for reelection. He said he couldn't afford it! But he looked back on those two short years with immense pride. While here, he co-sponsored the bill that created the Missouri State Highway Patrol and another bill that consolidated many dozens of tiny rural public school districts like that which operated the one-room school he attended as a child. And as a lawyer-legislator, he was one of three members of the House selected to prosecute the impeachment trial of the state treasurer for misdeeds in office. Although my grandfather served only one term, he always regarded the honor of serving as a member of the House of Representatives to be one of the highlights of his long career and, indeed, one of the highlights of his long life.

I learned about the honor of service, the honor of public service, first from my grandfather, then from my father, who is a senior United States District Judge. Having served on the bench myself for nearly 15 years, first as a circuit judge and now as a judge on the Supreme Court, I appreciate more than ever the honor of my office and the responsibilities that go with it.

The honor of serving the public is the theme of my presentation on the state of the judiciary. Those who serve as judges, like those who serve in the General Assembly, must do so for the honor of serving the public. In my mind, the best account of the state of the judiciary is to show how our judiciary lives up to that honor. To that end, and on behalf of our judges at every level of the judiciary, I invite you to our courthouses, so that you may see first hand the administration of justice in this state. A visit to our courthouses, for you legislators who may be concerned about the doctrine of separation of powers, is no breach of protocol. To be sure, our forefathers built into our system of government a healthy tension between the three branches of government, but that tension should not preclude a healthy interaction between the three branches of government.

This very afternoon, we will hear oral arguments in the Supreme Court. You are invited. There are two cases on the docket, and they are representative of our usual fare in the sense that they are cases that present the novel and difficult and complex legal issues of the day. The first case is *State of Missouri v. Planned Parenthood and The Director of the Missouri Department of Health*, which deals with the constitutionality of

and eligibility for family planning appropriations related to abortion services. The second case is *State of Missouri v. Andre Cole*, the direct appeal of a death sentence. If you cannot attend in person, you may tune in on the Internet.

Should you favor us with a visit, you will see the members of the Court engage in a vibrant, if sometimes esoteric, dialogue with the lawyers representing their clients. You will see the difficulty and complexity of the issues raised by the parties. You will see how we members of the Court struggle with those issues in an effort to follow the law as written in our constitution and the statutes you enact. And it is our hope that you will understand that the resolution of the cases depends not on our personal preferences, or even on our personal notion of the equities involved, but on our abiding oath to follow the law as written in our constitution and the statutes you enact.

This afternoon will be the last time our colleague, Judge John Holstein, sits with the Court, as he has announced his retirement after 27 years on the bench. Judge Holstein is the only judge in the history of the state to have served at every level of the judiciary -- as magistrate/probate judge, associate circuit judge, circuit judge, judge of the court of appeals, and for the last 12 years, judge of the Supreme Court. As a consequence of his wealth of experience, he brought to the Supreme Court a special insight on so many difficult legal issues, not only those involving the processing and trial of cases, but those involving the substance of the law as well. Without fail, he served with honor and dignity, and with an unswerving commitment to our system of justice. We will miss him, and we wish him well as he returns to private practice.

Judge Holstein, would you stand to be recognized.

Though the difficult and weighty legal issues of the day are addressed in the Supreme Court, it is even more important that you visit the county courthouses throughout the state where every day, in hundreds of cases, justice is meted out person to person, face to face. The judges there will welcome you.

The decision-making process in the trial courts is different than that in the appellate courts. In general, appellate courts address only issues involving the application of the law, and they defer to the factual determinations made in the trial courts by judges and juries that have had the benefit of seeing the witnesses and hearing their testimony in person. Those of you who have served on juries know the difficulty and frustration of sorting out conflicting testimony, of determining whether seemingly believable witnesses are telling the truth, fabricating falsehoods, or perhaps simply mistaken. Trial judges sort out that testimony for a living, presiding over the great majority of cases that are tried without a jury. But that is only part of the job. After the factual determinations of a case are made, it is necessary to fashion a proper resolution. It is a hard thing to sit in judgment on another person, whether in the imposition of sentence in a criminal case, or the assessment of damages in a civil case, or the determination of custody and support in a dissolution case. The resolution of such cases requires more than the mere application of the law to the facts, the resolution requires the exercise of sound discretion.

When you visit your county courthouse, go first to the criminal courts. There you will find judges striving to maintain the balance between society's need for vigorous prosecution of criminal offenders and the equally important need to ensure to those who are accused of criminal offenses the fundamental and inalienable rights associated with the presentation of their defense. The vast majority of cases are disposed by pleas of guilty without a trial, and, as I mentioned, most of the cases that go to trial are tried without a jury. In all those criminal cases, the judge must exercise his or her sound discretion in imposing punishment. You will see some cases that call for righteous indignation and a severe sentence, and other cases that call for a measure of compassion and a chance for redemption on probation. You will see that the saving of souls is a large part of the judge's work, and that for each judge, the dispositions in criminal cases are ultimately matters of conscience.

Allow me to offer two examples from my own experience that are representative of the kinds of cases on the dockets of the criminal courts. As a circuit judge, I heard only one death penalty case. Under the law, the range of punishment in those cases is simply death, or life imprisonment without parole. Like all death penalty cases, the crime in this case was horrendous. It involved an execution-style murder. The victim was bound up and shot in the back of the head. And so the prosecutor justifiably argued that the death penalty should be imposed. Defense counsel argued for a life sentence because the defendant did not have a significant history of criminal offenses, and the defendant, himself, was genuine in expressing remorse for his conduct and sympathy for his victim. In addition, he had pled guilty instead of going to trial. Unlike most of the defendants we see in capital cases, this man seemed salvageable, and I sentenced him to life in prison without parole.

The other case involved a defendant charged with felony child abuse. She was the mother of the child in question. The young child had been beaten and sexually abused. During the plea of guilty, it became clear that although a boyfriend was the actual perpetrator, the defendant, who had not been in any danger herself, knew of the abuse and allowed it to go on. Evidence also was developed, as is often the case, that the defendant had been the victim of similar abuse during her own upbringing. The discretionary call to be made was how best to cut the generational cycle of abuse -- to send the defendant to prison so that she would understand the consequences of her acts and be deterred from those acts in the future, or to try to rehabilitate her by placing her on probation with conditions that she undergo counseling and therapeutic treatment and courses on parenting skills. I learned, however, that on more than one occasion before the offense occurred, the defendant had been reported to the Division of Family Services and that earlier efforts to rehabilitate her obviously had failed. In that case, I sent the defendant to prison.

As I said, these are the kinds of cases that confront our judges every day. There are hard cases, and it is not unusual for us to second-guess the wisdom of our decisions. Was the punishment too harsh? Was it not harsh enough? Have we lived up to the honor of our office by doing justice in the case?

On your visit to the courthouse, I also would direct you to the courtrooms in which our judges hear domestic cases -- dissolutions, motions to modify custody and support, cases involving emergency orders of protection, and the like. In the cities and the larger outstate circuits, domestic cases are heard in statutory family courts, presided over by judges who have special training in that area of the law. The common experience of judges who hear domestic cases is that all too often they see people at their worst, people who are ordinarily good and decent folks, but whose lives are in turmoil and trauma because of the breakup of a marriage or a battle over custody of their children. In many cases, it is no small chore for judges to divide the marital property, but that chore is nothing compared to the obligation to divide up the kids. It should be no wonder to you that the rate of attrition for judges working in the family courts is very high, and most judges transfer to the criminal or civil courts after two or three years. Except for a few saintly types like my friends Judge Tom Frawley in St. Louis City and Judge Susan Block in St. Louis County, burn out is unavoidable. Our sense of empathy for the parties to those cases -- the anguish that we feel for both the parents and the children -- can, after a time, be difficult to bear.

To draw on my own experience once again, I remember the visit to my court by my then state representative, and your longtime colleague, Mary Kasten. Undoubtedly, you remember that she was actively involved in issues pertaining to children and families, and on the day of her visit, I was hearing a child custody case. At the request of counsel for both sides, I agreed to conduct a closed-door examination of the child who, as I recall, was 8 or 9 years old. Although the arrangement was that neither the parents nor the lawyers would be present, everyone agreed that Representative Kasten, who as you know has always been a soothing influence, could sit in with me.

I took the child to the jury room, and my court reporter and I sat with him at the conference table while Representative Kasten sat off to the side. I began with gentle questions designed to impress upon the child the importance of telling the truth and to assure the child that I was there solely to look out after his best interest. After I spent some time with questions about his school and his outside activities and his friends, I got around to the tough part. The exchange was something like this:

Do you love your mom? Yes.

Do you love your dad? Yes.

Do you like to be with your mom? Yes.

Do you like to be with your dad? Yes.

If you can't be with both of them, would you be happier with your mom or with your dad? I want to be with both of them and I want them to be together.

I don't remember how I decided this case, but as you can see, there was no good solution available. In any event, Mary Kasten went away with the kind of understanding of the work of the courts that I wish all of you could have.

That said, whatever you learn from your trip to the courthouse still will not give you a full picture of the obligation of judges. Our judges know full well that the effort to live up to the honor of their office must not stop at the courthouse door and that the honor of their office means more than the competent and professional processing of cases. In that regard, our judges statewide donate their time and talents to a host of activities that pertain to the improvement of the administration of justice as a whole. Some judges serve on our continuing education committees that provide essential training not only for judges, but also for court clerks, court reporters and juvenile officers. Most courses are taught by the judges, themselves, some of whom have become master teachers. Other judges, like Judge Robert Dierker of St. Louis, contribute with their writing skills. For instance, Judge Dierker has been instrumental in the preparation and publication of our scholarly and immensely practical Trial Judges Bench Books, and he recently published an invaluable treatise on the practice of criminal law in Missouri.

My immediate predecessor as chief justice, Judge Ray Price, chairs the Drug Court Commission, and serves with several other judges, legislators and executive branch officials. Certainly the work of that Commission, which is to make available alternatives to incarceration for non-violent drug offenders, is critically important in these times where there is no money to open new prisons, even those that are already built.

In addition, Judge Richard Teitelman of the Court of Appeals in St. Louis, who is sight-impaired, chairs the Supreme Court's Ad Hoc Committee on the Courts and the Disabled. He serves with several other interested members of the judiciary, as well as with a number of lay persons and with Representative Chuck Graham who has provided his valuable insight and assistance. The Committee is undertaking a survey of our courtrooms and the practices in our courts so that we can ensure that reasonable accommodations are provided to persons with disabilities. We judges want to convey the message that equal access to justice necessarily means equal access to the courthouse.

Indeed, there is a wide variety of administrative committees, and the list of judges who volunteer for the work of those committees is extensive. We have committees that address issues ranging from the review and promulgation of jury instructions in both civil and criminal cases, to forms and procedures for judicial record keeping, to the administration of examinations for our certified court reporters, to mention just a few.

One administrative committee that merits particular attention is the statutorily created Missouri Court Automation Committee. The Committee is

composed not only of judges, but also of court clerks and legislators, and the primary purpose, as you know, is to provide a uniform, statewide computerization system that gives courts greater capacity to manage dockets while allowing instant access to all public court records. Senators Jacob and Klindt, and Representatives Carnahan and Crowell, serve as the legislative members of the committee and are becoming well versed on the issues. The project is half-complete, and the need has never been greater, especially from the standpoint of law enforcement and public safety.

A case in point occurred three years ago when a Missouri State Highway Patrol trooper was shot and killed while making an arrest. The arrestee was wanted on felony warrants from another Missouri county, but the trooper had no idea of the need for extra caution because of the delay in manual transmission of the warrant information from the court to the Highway Patrol. One feature of court automation on the immediate horizon is the near real-time transmission of warrant information and adult protection orders to the Highway Patrol for statewide access by law enforcement agencies. It is a feature that may well save lives.

The extracurricular work of our judges is by no means limited to the work of our administrative committees. In that connection, I must admit that I have long looked forward to the opportunity to showcase the selfless public service performed by so many of our judges.

Consider the example of my friend Jack Garrett who is presiding judge of the 37th Circuit in southern Missouri. For about 5 years running, Judge Garrett and his chief juvenile officer have sponsored an annual conflict resolution task force for teenagers. They target 7th grade students in each of the circuit's 19 school districts. With the assistance of college students from SMSU, they conduct small group seminars to address issues such as bullying, school violence and substance abuse. In addition, Judge Garrett sponsors an annual mediation camp and workshop for students in grades 6 through 8, training those students to develop and implement peer-mediation panels in their schools.

In Kansas City, our family court judges have implemented a truancy diversion program in which several judges, led by Judge Steve Nixon and Judge Marco Roldan, meet with "at risk" children and their parents or parent once each week at 7:30 a.m. The judges discuss not only the truancy problem, but also other family needs that may be contributing to the problem, including the child's safety and well-being and parental accountability for the child's needs. Last summer, Judge Nixon took the children he is working with to a Royals baseball game. Judge Roldan has found his Hispanic roots to be of value in working with the families at the McCoy Elementary School where English is a second language.

The truancy diversion program originated in St. Louis City and County where it continues to flourish. The two saintly judges I mentioned earlier, Tom Frawley in the City and Susan Block in the County, are the chief administrative judges of their respective family courts. In that capacity, they have assembled teams of judges and an occasional lawyer who make weekly visits to troubled children in the city and county school districts.

Circuit Judge Joan Burger, who sits in a criminal division of the Circuit Court of St. Louis City, is one of the volunteers for the truancy program. Several weeks ago she authored an article published in the St. Louis Post-Dispatch describing the program, and I have taken the liberty of sending a copy of that article to each one of you. She wrote that "My motivation is simply this: 85 percent of the people in prison are high school dropouts. I thought that if I can keep them in school, then maybe I won't have to send them to prison." I ask that you read about the details of the program yourselves, but I'll share Judge Burger's conclusion: "In most cases, attendance improves immediately. All the words and threats and tears of parents, teachers and counselors haven't worked, but the authority of the judge and the frequent court dates turn these kids around." Despite that conclusion, progress is often made in small steps. According to Judge Burger, "One child was doing poorly in history, so I gave him an assignment of going to the library and bringing a history book to court. He brought me [a book on] the history of skateboarding!"

I also want to mention another St. Louis City judge, Judge Henry Autrey, a former prosecutor, who serves in a number of other ways. He speaks to various groups on the issue of child abuse prevention. He also participates in reading exercises and tutoring programs for young children at city schools. But his most personally fulfilling service is playing the role of Santa Claus for the elderly residents at a local nursing home. According to Judge Autrey, "We forget the sacrifices they made and the hard work they endured so that we could achieve our personal successes."

And then there is my new colleague on the Supreme Court, Judge Laura Stith, who, despite her appointment to this Court, continues her service as a charter member of a Kansas City organization called LEAP, Lawyers Encouraging Academic Performance. For two or three hours every week, Judge Stith and several other judges take one or two grade school girls each, girls who are from the inner city, from needy families, and some from homeless families, and they buy their school supplies, tutor them, mentor them, and help them through school.

I apologize for having spent too much time dwelling on the challenges and difficulties and the sacrifices of judicial service. We judges are honored to serve. That honor comes first and foremost from the fact that we are the ones entrusted to resolve the challenging and difficult cases of the day. When we are able to resolve those cases with competence, professionalism, impartiality and dispatch -- indeed when we resolve those cases with justice -- our jobs are fulfilling and rewarding beyond measure.

It must be said, too, that not all of our cases pose challenges and difficulties, but the honor of serving is present nonetheless. As a trial judge, among my favorite cases were adoption cases, which I handled for two or three years as part of my duties as a judge of the juvenile court. I held juvenile court on Fridays, and I heard adoption cases on the first Friday of each month, except in December, when I saved all the adoption cases for the Friday before Christmas. Adoption cases fall into several categories, the adoption of children from unwanted pregnancies, the adoption of children of parents whose parental rights were terminated for abuse or neglect, step-parent adoptions, and international adoptions of orphaned children who are given hope for a bright future in the United States. Unlike other cases where all too often we see people at their worst and the

conflicts presented seem irreconcilable and the solutions we have to offer are less than satisfactory, in adoption cases we see people at their best, and the only complications are those in tying up the legal loose ends to ensure that the adoptive child will have the blessing of a safe home and loving family.

At the conclusion of one of the first adoption cases I heard, a remarkable thing happened. As I pronounced judgment, the lawyer representing the adoptive family asked leave to approach the bench. Instinctively, I thought there must be a problem. But the lawyer came up to me and whispered, "Judge, would you mind having your picture taken with the new family?" And so I came down off the bench in my black robe, and I took the young child in my arms flanked by the two proud parents with tears in their eyes, and the guardian ad litem, not about to miss out on the action, snapped picture after picture. And we all rejoiced!

Now that is an honor! From that day forward, lawyers in my adoption cases didn't have to ask if I would mind having my picture taken with the new family, I insisted!

In conclusion, I wish that each of you could experience the great honor to serve as judge of this state, but I am sure that my grandfather had it right -- that each of you feels the same way about the great honor you have of serving in the legislature.

As you progress with the session, I ask that you take fair account of the needs of the judiciary.

And finally, for all the good work you will do for the citizens of this state, I bid you Godspeed.

Thank you.

On motion of Senator Kenney, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Klarich.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 896, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. N. Harold Anders, Sedalia, which was adopted.

Senators Schneider, Wiggins, Staples and Kenney offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 897

WHEREAS, the members of the Missouri Senate take great pride in acknowledging the accomplishments of athletes who have brought tremendous honor and glory to this state through the exemplary manner in which they conducted their chosen endeavors as professionals and the continuing efforts they have provided to their community and neighborhoods during retirement; and

WHEREAS, Osborne Earl "Ozzie" Smith will be inducted into the Baseball Hall of Fame in Cooperstown, New York, on July 28, 2002, after a phenomenal National League career which spanned the years from 1978 to 1996 and included the San Diego Padres and St. Louis Cardinals teams; and

WHEREAS, weighing in at just 150 pounds, Ozzie Smith was known for joyful back flips, gymnastic catches, and an ability to dig deep into his abilities to pull off magical offensive plays at just the right moments, including his opening day three-run homer against Pittsburgh on April 13, 1984; his first major league left-handed homer after 3,009 career at-bats during a game in 1985 against the Dodgers; and his five hits and six RBIs against the Cubs on June 17, 1993; and

WHEREAS, nationally acclaimed as "The Wizard", Ozzie Smith retired in 1996 after starting in twelve All-Star games and garnering three World Series appearances, thirteen consecutive Gold Gloves, a .262 Career Batting Average and 2,460 hits, and a .978 Career Fielding Percentage; and

WHEREAS, recognizing his unique ability to be a positive influence on his community as well as in the game of baseball, Ozzie Smith formed the Ozzie Smith Foundation in 1986 to donate money to charities, sold autographs in 1993 to raise money for flood relief victims, established the Ozzie Smith Sports Academy to offer youth clinics in baseball, softball, and soccer, and supported the work and ideals of Athletes Against Drugs, the Red Cross, Multiple Sclerosis Society, and March of Dimes organizations:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to

applaud the well-deserved selection of Ozzie Smith for the Cooperstown Baseball Hall of Fame and to convey to him this legislative body's heartiest congratulations and our best wishes for continued personal and philanthropic success for many more years to come; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Osborne Earl "Ozzie" Smith, upon his induction into the Baseball Hall of Fame in Cooperstown, New York.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 898

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of Catherine A. "Cathy" Hynes, who passed to her eternal reward on January 12, 2002; and

WHEREAS, Cathy Hynes came into this world in Long Beach, California, on June 26, 1958, as the tiny infant daughter born to proud and loving parents Kenneth T. and Maureen C. Sadowski, who welcomed her into their hearts as a precious gift from God; and

WHEREAS, Cathy Hynes received her education at Rolling Meadows High School in Rolling Meadows, Illinois, and went on to receive her degree from Benedictine College in Atchison, Kansas, in 1980; and

WHEREAS, a devout member of St. Elizabeth Catholic Church, Cathy Hynes enjoyed an incredible career as a systems analyst of the Federal Reserve Bank in Kansas City, with which she had been associated for more than twenty years; and

WHEREAS, a devoted wife, beloved daughter, and proud mother, Cathy Hynes touched the lives of countless individuals and served as a constant source of inspiration to all; and

WHEREAS, Catherine Hynes leaves behind to cherish her memory her two sons, Russell Hynes, Jr., and Nathan Hynes; her mother, Maureen Sadowski; her siblings, Kenneth T. and Kathryn Sadowski, Susan M. and Robert Lavigne, Thomas M. and Ann M. Sadowski, Mary P. and Mark Andersen, Judith A. and Kenneth Simmons, Michael J. Sadowski, and Cheryl H. and Matthew Coolman; her father-in-law, Willie Hynes; her two sisters-in-law, Gina and Donna Hynes; her brother-in-law, Curtis; her five nieces, Amanda, Julie, Maggi, Kara, and Emily; her ten nephews, Matthew, John, Justin, David, Ted, Joe, Sean, Jahi, Tony, and Curtis, Jr.; and her uncles and aunts, Thomas and Bettye Sadowski and Bill and Kay Gibbons; and

WHEREAS, Catherine Hynes was preceded in death by her husband, Russell Hynes, and her father, Kenneth Sadowski:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in paying tribute to Cathy Hynes, a remarkable woman of peace and kindness in this world who will be sadly missed by all those who had the distinct pleasure of knowing and loving her; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of the late Catherine A. Hynes, as an expression of our deepest sympathy.

CONCURRENT RESOLUTIONS

Senators Bentley, Stoll, Childers, Kenney, House, Westfall and Goode offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the Joint Interim Committee on Education Funding created by Senate Concurrent Resolution No. 26 enacted in the First Regular Session of the Ninety-first General Assembly ceased to exist on January 15, 2002; and

WHEREAS, the Joint Interim Committee on Education Funding was charged with an in-depth review of education finance in this state; and

WHEREAS, by its very nature, education funding is a complex subject that has many interlocking elements that are seldom understood in their entirety; and

WHEREAS, with the best efforts of the Joint Interim Committee on Education Funding, the foundation for further study has been created, but in-depth study will require more time; and

WHEREAS, institutional knowledge of the issues involved in education funding is dwindling, making an in-depth study even more difficult as time passes:

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Joint Interim Committee on Education Funding be reconstituted with substantially the same membership in a timely fashion so that the in-depth study contemplated in Senate Concurrent Resolution No. 26 enacted in the First Regular Session of the Ninety-first General Assembly may continue and be completed in time to present a thoughtful study and recommendations for future action to the members of the Ninety-second General Assembly so that the constitutional requirement that designates education as the state's first priority in public policy may continue to be fulfilled.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 932-By Klarich.

An Act to repeal section 535.081, RSMo, relating to rent recovery by a successor in title, and to enact in lieu thereof one new section relating to the same subject.

SB 933-By Yeckel.

An Act to amend chapter 324, RSMo, by adding thereto six new sections relating to licensing of amusement machine operators.

SB 934-By Foster and Cauthorn.

An Act to repeal sections 163.172 and 313.820, RSMo, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject.

SB 935-By Foster and Cauthorn.

An Act to repeal section 168.071, RSMo, relating to teacher certification, and to enact in lieu thereof one new section relating to the same subject.

SB 936-By Foster.

An Act to repeal section 167.171, RSMo, relating to school discipline, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 937-By Foster.

An Act to repeal section 167.161, RSMo, relating to suspension or expulsion of pupils in public schools, and to enact in lieu thereof one new section relating to the same subject.

SB 938-By Cauthorn and Childers.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

SB 939-By Wiggins and DePasco.

An Act to amend chapter 86 RSMo, by adding thereto three new sections relating to police employees' retirement systems.

SB 940-By Wiggins, Schneider and Goode.

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to restrictions for payday loans.

REFERRALS

President Pro Tem Kinder referred **SCR 35** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Risa Huckriede and Susan Lewark, Warrensburg.

Senator Cauthorn introduced to the Senate, Patty Kelley, Kirksville.

Senator Westfall introduced to the Senate, Stephan McKee, Bolivar.

On behalf of Senator Staples and himself, Senator Childers introduced to the Senate, Jim Davis, Doniphan.

Senator Bland introduced to the Senate, Jeanette Ighedosa, Kansas City.

On behalf of Senator Bland and himself, Senator Wiggins introduced to the Senate, Mrs. Rosemary Smith Lowe, Kansas City.

Senator Kennedy introduced to the Senate, Jack Garvey, St. Louis.

Senator Kinder introduced to the Senate, Chief Justice Stephen N. Limbaugh, Jr., his wife, Marsha, and their children, Katie, Christopher and Stephen N. Limbaugh, III, Cape Girardeau; his father, U.S. District Judge Stephen N. Limbaugh, Sr., and his mother, Anne, St. Louis.

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Robert P. Schneider, D.O., Memphis.

On behalf of Senator Steelman and himself, Senator Rohrbach introduced to the Senate, Senator Steelman's father, John Hearne, Jefferson City.

Senator Loudon introduced to the Senate, Sherry Geiselman Gross and Kathy Lambert, St. Charles.

On behalf of Senator Klarich, the President introduced to the Senate, Jo Anne Breckenridge, St. Louis County; and Joy Gerstein, Washington.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY-WEDNESDAY, JANUARY 16, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 742-Caskey

SB 743-Caskey

SB 744-Caskey

SB 745-Russell

SB 746-Russell and Kinder

SB 747-Russell

SB 748-Goode

SB 749-Goode

SB 750-Goode and Rohrbach

SB 751-Singleton

SB 752-House

SB 753-House

SB 754-House

SB 755-Westfall

SB 756-Westfall

SB 757-Westfall

SB 758-Bentley

SB 759-Yeckel and Singleton

SB 760-Yeckel

SB 761-Yeckel

SB 762-Bland

SB 763-Bland

SB 764-Bland

SB 765-Steelman

SB 766-Steelman

SB 767-Steelman

SB 768-Wiggins

SB 769-Russell

SB 770-Russell

SB 771-Russell

SB 772-Goode

SB 773-Goode

SB 774-Goode, et al

SB 775-House and Loudon

SB 776-House

SB 777-Yeckel

SB 778-Yeckel

SB 779-Yeckel

SB 780-Bland

SB 781-Bland

SB 782-Bland

SB 783-Steelman

SB 784-Russell

SB 785-Goode and Dougherty

SB 786-Goode

SB 787-Yeckel

SB 788-Yeckel and Gibbons

SB 789-Bland

SB 790-Bland

SB 791-Bland

SB 792-Bland

SB 793-Bland

SB 794-Bland

SB 795-Schneider

SB 796-Mathewson

SB 797-Westfall

SB 798-Westfall

SB 799-Westfall and Wiggins

SB 800-DePasco

SB 801-DePasco

SB 802-DePasco

SB 803-Dougherty and

Singleton

SB 804-DePasco

SB 805-DePasco

SB 806-Caskey

SB 807-Klarich

SB 808-Gross

SB 809-Gross

SB 810-Dougherty

SB 811-Dougherty and

Bentley

SB 812-Russell

SB 813-Mathewson

SB 814-Childers

SB 815-Childers

SB 816-Gross

SB 817-Gross

SB 818-Westfall

SB 819-Bentley

SB 820-Bentley

SB 821-Dougherty and Gross

SB 822-Dougherty

SB 823-Cauthorn and Gross

SB 824-Cauthorn and Yeckel

SB 825-Schneider

SB 826-Gross

SB 827-Dougherty, et al

SB 828-Dougherty

SB 829-Dougherty

SB 830-House, et al

SB 831-Loudon and Kennedy

SB 832-Schneider

SB 833-Schneider

SB 834-Sims

SB 835-Bland

SB 836-Gross and Dougherty

SB 837-Cauthorn

SB 838-Caskey

SB 839-Goode, et al

SB 840-Gross and Russell

SB 841-Klarich

SB 842-Klarich

SB 843-Stoll

SB 844-Loudon

SB 845-Russell

SB 848-Singleton

SB 849-DePasco and Kennedy

SB 850-House

SB 851-Westfall

SB 852-Bland

SB 853-Stoll

SB 854-Gross

SB 855-Caskey

SB 856-Russell

SB 857-Dougherty

SB 858-Dougherty and

Kennedy

SB 859-Russell

SB 860-Rohrbach

SB 861-Rohrbach

SB 862-DePasco

SB 863-Gross

SB 864-Gross and House

SB 865-Foster and Kinder

SB 866-Cauthorn

SB 867-Cauthorn

SB 868-Cauthorn

SB 869-Cauthorn

SB 870-Goode

SB 871-Dougherty

SB 872-Dougherty and

Goode

SB 873-House and Gross

SB 874-Bentley

SB 875-Gross

SB 876-Sims

SB 877-Sims

SB 878-Sims

SB 879-Steelman

SB 880-Steelman

SB 881-Steelman and Yeckel

SB 882-Sims

SB 883-DePasco

SB 884-DePasco

SB 885-Bentley

SB 886-Bentley and Stoll

SB 887-Sims

SB 888-Gross

SB 889-Dougherty

SB 890-Kenney

SB 891-Kenney

SB 892-Kenney

SB 893-Rohrbach

SB 894-Kinder

SB 895-Yeckel and Gross

SB 897-Dougherty, et al

SB 898-Dougherty, et al

SB 899-Dougherty and

Kennedy

SB 900-Goode, et al

SB 901-Goode, et al

SB 902-Goode, et al

SB 903-Klindt

SB 904-Klindt

SB 905-Klindt

SB 906-House

SB 907-House

SB 908-Gibbons

SB 909-Gibbons

SB 910-Gibbons

SB 911-Foster, et al

SB 912-Mathewson

SB 913-Rohrbach

SB 914-Jacob

SB 915-Westfall, et al

SB 916-Dougherty, et al

SB 917-Dougherty and Sims

SB 918-Klarich

SB 919-Klarich

SB 920-Caskey

SB 921-Sims, et al

SB 922-Sims

SB 923-Sims

SB 924-Sims

SB 925-Sims and Dougherty

SB 926-Kenney, et al

SB 927-Jacob and Wiggins

SB 928-Jacob and Loudon

SB 929-Stoll

SB 930-Stoll

SB 931-Klarich

SB 932-Klarich

SB 933-Yeckel

SB 934-Foster and Cauthorn

SB 935-Foster and Cauthorn

SB 936-Foster

SB 937-Foster

SB 938-Cauthorn and

Childers

SB 939-Wiggins and

DePasco

SB 940-Wiggins, et al

SJR 22-Schneider

SJR 23-Singleton

SJR 24-Johnson

SJR 25-Klarich and Gibbons

SJR 26-Klarich and Cauthorn

SJR 27-Yeckel

SJR 28-Bland

SJR 30-Cauthorn

SJR 31-Gross

SJR 32-House

RESOLUTIONS

SR 879-Jacob

SR 881-Schneider

To be Referred

SCR 36-Bentley, et al

Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY--WEDNESDAY, JANUARY 16, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"O Lord, who am I that you should even know I'm here? And yet, you have crowned me with glory and honor." (Psalm 8:5)

Gracious God, it is good for us to take stock of who we are and who we are before You. Help us to recognize any honor and glory we have obtained has come by Your providence. Help us to recognize the gift of those who work for us as they assist us in fulfilling what You have called us to do. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

Senator Rohrbach assumed the Chair.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 899, regarding St. Paul's Lutheran School D.A.R.E. Program, Des Peres, which was adopted.

Senator Bentley offered Senate Resolution No. 900, regarding the death of Janice Hutchison, Springfield, which was adopted.

Senator Rohrbach offered Senate Resolution No. 901, regarding Anita Sue Bondurant Rains, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 902, regarding Mr. Arthur Maier and the Boonslick Technical Education Center, Boonville, which was adopted.

Senator Johnson offered Senate Resolution No. 903, regarding Timothy O. Kristl, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 904, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lowell Trollope, Lee's Summit, which was adopted.

Senator Yeckel offered Senate Resolution No. 905, regarding Don DeFoe, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 906, regarding Novus Development Company and Sam's Club, which was adopted.

Senator Yeckel offered Senate Resolution No. 907, regarding Pepe Vantreece, St. Louis, which was adopted.

Senator Steelman offered the following resolution:

SENATE RESOLUTION NO. 908

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Sixteenth District of the one day's notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, Second Regular Session, that Senate Rule 93 be amended to read as follows:

"Rule 93. No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for [wives] **spouses** and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration."

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 941-By DePasco.

An Act to repeal sections 242.010, 242.200 and 242.210, RSMo, relating to drainage districts, and to enact in lieu thereof three new sections relating to the same subject.

SB 942-By Schneider, Goode, Wiggins and House.

An Act to repeal sections 386.510, 386.520, 386.530 and 386.540, RSMo, relating to judicial appeal of public service commission orders, and to enact in lieu thereof four new sections relating to the same subject.

SB 943-By Schneider.

An Act to amend chapter 103, RSMo, by adding thereto one new section relating to secondary health insurance coverage for public officials.

SB 944-By Goode and Schneider.

An Act to amend chapters 143 and 144, RSMo, by adding thereto two new sections relating to sales and corporate income taxes, with a referendum clause and an expiration date.

SB 945-By Stoll.

An Act to repeal section 42.175, RSMo, and to enact in lieu thereof one new section relating to World War II medals, with an emergency clause.

SB 946-By Jacob and Wiggins.

An Act to repeal sections 142.803, 301.057, 301.265, 302.735, 304.010 and 622.030, RSMo, relating to transportation, and to enact in lieu thereof six new sections relating to the same subject.

SB 947-By Klindt and Stoll.

An Act to repeal sections 360.106, 360.111, 360.112, 360.113, 360.114, 360.116, and 360.118, RSMo, and to enact in lieu thereof seven new sections relating to the Missouri health and educational facilities act.

SB 948-By Cauthorn, Foster and Loudon.

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to the transfer of human fetal parts, with penalty provisions.

SB 949-By Bentley.

An Act to repeal section 313.820, RSMo, relating to the admission fee for licensed gaming activities, and to enact in lieu thereof one new section relating to the same subject.

SB 950-By Gibbons and Klarich.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Henry Shaw Ozark Corridor.

SB 951-By Loudon.

An Act to repeal sections 167.181 and 210.003, RSMo, relating to immunizations for children, and to enact in lieu thereof two new sections relating to the same subject.

SB 952-By Loudon.

An Act to repeal section 8.250, RSMo, relating to state construction projects, and to enact in lieu thereof one new section relating to the same subject.

SB 953-By Loudon and Cauthorn.

An Act to repeal sections 135.327 and 135.333, RSMo, relating to adoption tax credits, and to enact in lieu thereof two new sections relating to the same subject.

SB 954-By Loudon.

An Act to repeal section 288.030, RSMo, relating to employment security definitions, and to enact in lieu thereof one new section relating to the same subject.

SB 955-By Loudon.

An Act to repeal section 137.115, RSMo, relating to the assessment of real property, and to enact in lieu thereof one new section relating to the same subject.

SB 956-By Loudon.

An Act to repeal sections 379.362, 379.889, 379.890 and 379.893, RSMo, relating to casualty insurance, and to enact in lieu thereof one new section relating to the same subject.

SB 957-By Loudon, Kennedy, House, Gibbons and Foster.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 958-By Kinder.

An Act to amend chapter 1, RSMo, by adding thereto two new sections relating to the prohibition of interference with the free exercise of religion.

SB 959-By Kenney and Kinder.

An Act to repeal section 143.451, RSMo, relating to the division of interstate income, and to enact in lieu thereof one new section relating to the same subject.

SB 960-By Kenney and Steelman.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of a special license plate.

Senator Schneider requested unanimous consent of the Senate for the following reading to be printed in the Journal, which request was granted:

A reading from the letter of James

The harvest of justice is sown in peace by those who make peace

Jas 3, 13-18

If one of you is wise and understanding, let him show this in practice through a humility filled with good sense. Should you instead nurse bitter jealousy and selfish ambition in your hearts, at least refrain from arrogant and false claims against the truth. Wisdom like this does not come from above. It is earthbound, a kind of animal, even devilish cunning. Where there are jealousy and strife, there also are inconstancy and all kinds of vile behavior. Wisdom from above, by contrast, is first of all innocent. It is also peaceable, lenient, docile, rich in sympathy and the kindly deeds that are its fruits, impartial and sincere. The harvest of justice is sown in peace for those who cultivate peace.

The Word of the Lord.

RESOLUTIONS

Senator Schneider moved that **SR 881** be taken up for adoption, which motion prevailed.

Senator Schneider offered **SS** for **SR 881**:

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Fourteenth District of the one day's notice pursuant to rule 97 of intent to put a motion to adopt the following rule change:

SENATE SUBSTITUTE

FOR

SENATE RESOLUTION NO. 881

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, Second Regular Session, that the rules of the Senate be amended to read as follows:

"Rule 97. No standing rule or order of the senate shall be rescinded or changed without one day's notice being given of the motion thereof, **which notice shall be printed in the journal of the senate**, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a two-thirds majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. **Upon one day's notice of the proposed rule change having been given, the senate resolution adopting such rule change shall not be assigned to a committee without consent of the sponsoring senator and shall be in order to be considered by the senate at any day or time thereafter upon motion of the sponsor.**".

Senator Schneider moved that **SS** for **SR 881** be adopted.

President Maxwell assumed the Chair.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 881, Page 1, Line 17 by inserting after the word "senate", the following: "each day at the time bringing up resolutions is in order." and deleting the words on line 17 starting with the words "at any day" and to delete line 18.

Senator Jacob moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 881, by adding the following at the end of said Resolution: "during the order of business of Resolutions.".

Senator Schneider moved that the above substitute amendment be adopted, which motion prevailed.

Senator Schneider moved that **SS** for **SR 881**, as amended, be adopted, which motion prevailed.

SS for **SR 881**, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senators--None			

Senator Jacob moved that **SR 879** be taken up for adoption, which motion prevailed.

Senator Jacob moved that **SR 879** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Kennedy	Mathewson	Quick	Schneider
Stoll		Wiggins-- 14	
NAYS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel-- 18		
Absent--Senator Staples--1			
Absent with leave--Senators--None			
Vacancies--1			

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 742--Judiciary.

SB 743--Judiciary.

SB 744--Local Government and Economic Development.

SB 745--Transportation.

SB 746--Labor and Industrial Relations.

SB 747--Judiciary.

SB 748--Labor and Industrial Relations.

SB 749--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 750--Ways and Means.

SB 751--Public Health and Welfare.

SB 752--Insurance and Housing.

SB 753--Labor and Industrial Relations.

SB 754--Labor and Industrial Relations.

SB 755--Education.

SB 756--Education.

SB 757--Transportation.

SB 758--Civil and Criminal Jurisprudence.

SB 759--Ways and Means.

SB 760--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 761--Local Government and Economic Development.

SB 762--Insurance and Housing.

SB 763--Judiciary.

SB 764--Public Health and Welfare.

SB 765--Education.

SB 766--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 767--Education.

SB 768--Local Government and Economic Development.

SB 769--Ways and Means.

SB 770--Commerce and Environment.

SB 771--Transportation.

SB 772--Insurance and Housing.

SB 773--Ways and Means.

SB 774--Transportation.

SB 775--Transportation.

SB 776--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 777--Civil and Criminal Jurisprudence.

SB 778--Ways and Means.

SB 779--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 780--Ways and Means.

SB 781--Civil and Criminal Jurisprudence.

SB 782--Insurance and Housing.

SB 783--Education.

SB 784--Commerce and Environment.

SB 785--Insurance and Housing.

SB 786--Labor and Industrial Relations.

SB 787--Ways and Means.

SB 788--Ways and Means.

SB 789--Civil and Criminal Jurisprudence.

SB 790--Ways and Means.

SB 791--Education.

SB 792--Insurance and Housing.

SB 793--Aging, Families and Mental Health.

SB 794--Education.

SB 795--Local Government and Economic Development.

SB 796--Transportation.

SB 797--Local Government and Economic Development.

SB 798--Transportation.

SB 799--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 800--Judiciary.

SB 837--Agriculture, Conservation, Parks and Tourism.

REFERRALS

President Pro Tem Kinder referred **SCR 36** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1386** and **1038**, entitled:

An Act to repeal section 307.173, RSMo, and to enact in lieu thereof one new section relating to tinted windows, with a penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Westfall, Chairman of the Committee on Transportation, Senator Kenney submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 727** and **SB 703**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 909, regarding Terry McDonald, Carthage, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Carri, Candy and Kiley Ross, Warsaw; and Candy and Kiley were made honorary pages.

Senator Kennedy introduced to the Senate, Megan Clark, Columbia.

Senator Mathewson introduced to the Senate, Patrick Perkins, Marshall.

Senator Mathewson introduced to the Senate, fourteen seventh through eleventh grade students and adults from Keytesville C-2000, Keytesville.

Senator Kinder introduced to the Senate, Maureen Beveridge, Springfield, Illinois.

Senator Kinder introduced to the Senate, the Physician of the Day, Reno Cova, M.D., and his son, Reno Cova, III, Cape Girardeau.

Senator Singleton introduced to the Senate, Bonnie Wright, Terry Greene and Larry Allgood, Joplin.

Senator Foster introduced to the Senate, Bob Sutton, Loyd Matthews, Donna Moore and Lakofa Douglas, Poplar Bluff.

Senator Klindt introduced to the Senate, Bill and Marilyn Robbins, Trenton.

Senator Bentley introduced to the Senate, John Brown, Springfield.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY-THURSDAY, JANUARY 17, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 801-DePasco

SB 802-DePasco

SB 803-Dougherty and Singleton

SB 804-DePasco

SB 805-DePasco

SB 806-Caskey

SB 807-Klarich

SB 808-Gross

SB 809-Gross

SB 810-Dougherty

SB 811-Dougherty and Bentley

SB 812-Russell

SB 813-Mathewson

SB 814-Childers

SB 815-Childers

SB 816-Gross

SB 817-Gross

SB 818-Westfall

SB 819-Bentley

SB 820-Bentley

SB 821-Dougherty and Gross

SB 822-Dougherty

SB 823-Cauthorn and Gross

SB 824-Cauthorn and Yeckel

SB 825-Schneider

SB 826-Gross

SB 827-Dougherty, et al

SB 828-Dougherty

SB 829-Dougherty

SB 830-House, et al

SB 831-Loudon and Kennedy

SB 832-Schneider

SB 833-Schneider

SB 834-Sims

SB 835-Bland

SB 836-Gross and Dougherty

SB 838-Caskey

SB 839-Goode, et al

SB 840-Gross and Russell

SB 841-Klarich

SB 842-Klarich

SB 843-Stoll

SB 844-Loudon

SB 845-Russell

SB 848-Singleton

SB 849-DePasco and Kennedy

SB 850-House

SB 851-Westfall

SB 852-Bland

SB 853-Stoll

SB 854-Gross

SB 855-Caskey

SB 856-Russell

SB 857-Dougherty

SB 858-Dougherty and Kennedy

SB 859-Russell

SB 860-Rohrbach

SB 861-Rohrbach

SB 862-DePasco

SB 863-Gross

SB 864-Gross and House

SB 865-Foster and Kinder

SB 866-Cauthorn

SB 867-Cauthorn

SB 868-Cauthorn

SB 869-Cauthorn

SB 870-Goode

SB 871-Dougherty

SB 872-Dougherty and Goode

SB 873-House and Gross

SB 874-Bentley

SB 875-Gross

SB 876-Sims

SB 877-Sims

SB 878-Sims

SB 879-Steelman

SB 880-Steelman

SB 881-Steelman and Yeckel

SB 882-Sims

SB 883-DePasco

SB 884-DePasco

SB 885-Bentley

SB 886-Bentley and Stoll

SB 887-Sims

SB 888-Gross

SB 889-Dougherty

SB 890-Kenney

SB 891-Kenney

SB 892-Kenney

SB 893-Rohrbach

SB 894-Kinder

SB 895-Yeckel and Gross

SB 897-Dougherty, et al

SB 898-Dougherty, et al

SB 899-Dougherty and Kennedy

SB 900-Goode, et al

SB 901-Goode, et al

SB 902-Goode, et al

SB 903-Klindt

SB 904-Klindt

SB 905-Klindt

SB 906-House

SB 907-House

SB 908-Gibbons

SB 909-Gibbons

SB 910-Gibbons

SB 911-Foster, et al

SB 912-Mathewson

SB 913-Rohrbach

SB 914-Jacob

SB 915-Westfall, et al

SB 916-Dougherty, et al

SB 917-Dougherty and Sims

SB 918-Klarich

SB 919-Klarich

SB 920-Caskey

SB 921-Sims, et al

SB 922-Sims

SB 923-Sims

SB 924-Sims

SB 925-Sims and Dougherty

SB 926-Kenney, et al

SB 927-Jacob and Wiggins

SB 928-Jacob and Loudon

SB 929-Stoll

SB 930-Stoll

SB 931-Klarich

SB 932-Klarich

SB 933-Yeckel

SB 934-Foster and Cauthorn

SB 935-Foster and Cauthorn

SB 936-Foster

SB 937-Foster

SB 938-Cauthorn, et al

SB 939-Wiggins and DePasco

SB 940-Wiggins, et al

SB 941-DePasco

SB 942-Schneider, et al

SB 943-Schneider

SB 944-Goode and Schneider

SB 945-Stoll

SB 946-Jacob and Wiggins

SB 947-Klindt and Stoll

SB 948-Cauthorn, et al

SB 949-Bentley

SB 950-Gibbons and Klarich

SB 951-Loudon

SB 952-Loudon

SB 953-Loudon and Cauthorn

SB 954-Loudon

SB 955-Loudon

SB 956-Loudon

SB 957-Loudon, et al

SB 958-Kinder

SB 959-Kenney and Kinder

SB 960-Kenney and Steelman

SJR 22-Schneider

SJR 23-Singleton

SJR 24-Johnson

SJR 25-Klarich and Gibbons

SJR 26-Klarich and Cauthorn

SJR 27-Yeckel

SJR 28-Bland

SJR 30-Cauthorn

SJR 31-Gross

SJR 32-House

HOUSE BILLS ON SECOND READING

HCS for HBs 1386 & 1038

SENATE BILLS FOR PERFECTION

SBs 727 & 703-Yeckel
and Stoll, with SCS

RESOLUTIONS

SR 908-Steelman

Journal of the Senate

SECOND REGULAR SESSION

SIXTH DAY--THURSDAY, JANUARY 17, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

Heavenly Father, You are the God of our ancestors and the God of generations yet unborn. Help us open our eyes so that we may recognize the gifts of our spiritual heritage and the promise of our future in You. Bless us this weekend as we and our loved ones seek Your presence and grow stronger in our faith. And watch our "going out and coming in". Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Johnson	Singleton--2		
	Vacancies--1		

RESOLUTIONS

Senators Mathewson and Sims offered Senate Resolution No. 910, regarding Maureen E. Dempsey, M.D., Jefferson City, which was adopted.

Senator Yeckel offered Senate Resolution No. 911, regarding Donna Matuszak, St. Louis County, which was adopted.

Senators Gibbons and Yeckel offered Senate Resolution No. 912, regarding Miss Victoria Williams, St. Louis, which was adopted.

Senator Kenney offered the following resolution:

SENATE RESOLUTION NO. 913

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director, two deputy department directors, and seven division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

MONTHLY

NO. CLASSIFICATION SALARY RANGE

6 Staff Attorney II 3,001 - 4,554

1 Senior Staff Attorney 3,763 - 5,419

2 Research Analyst II 3,001 - 4,554

1 Investigator 2,773 - 4,181

7 Research Staff Secretary 2,287 - 3,925

6 Budget Research Analyst II 3,001 - 4,554

1 Economist 3,001 - 4,554

4 Assistant Secretary of Senate 2,466 - 3,609

5.5 Enrolling & Engrossing Clerk 2,011 - 3,001

1 Billroom Supervisor 2,011 - 2,887

1 Billroom Clerk 1,647 - 2,193

3 Public Information Specialist I 2,011 - 2,887

3 Public Information Specialist II 2,287 - 3,323

0.5 Photographer 2,139 - 3,366

3 Administrative Assistant 1,500 - 5,723

1 Executive Assistant 1,500 - 5,598

1 Telecommunications Coordinator 2,565 - 3,763

3.5 Accounting Specialist 2,374 - 3,463

9 Administrative Secretary 2,287 - 3,925

5 Clerical Assistant 1,800 - 3,190

1 Messenger 1,563 - 2,115

1 Data Control Coordinator 2,374 - 3,463

3 Computer Info. Technology Spec. II 3,345 - 5,662

1 Computer Info. Technology Spec. III 3,489 - 5,921

1 Computer Info. Technologist III 2,916 - 4,554

1 Network/Communications Specialist 3,059 - 4,966

4 Computer Operator III 2,287 - 3,323

3 Data Entry Operator III 1,748 - 2,420

3 Composing Equipment Operator III 1,939 - 3,001

1 Mailroom Supervisor 2,011 - 2,887

1 Mailroom Clerk 1,289 - 1,617

1 Printing Services Technician I 1,511 - 2,005

3 Printing Services Technician II 1,706 - 2,322

3 Printing Services Technician III 1,873 - 2,615

1 Printing Services Technician IV 2,011 - 2,887

1 Maintenance Supervisor 2,123 - 3,001

1 Carpenter II 2,011 - 2,887

4.5 Custodian II 1,395 - 2,322

2 Custodian III 1,748 - 2,420

2 Maintenance Worker 1,748 - 2,420

1 Sergeant at Arms (Elected) 2,287 - 3,323

0.5 Doorkeeper (Elected) 1,451 - 2,172

3.5 Assistant Doorkeeper 1,371 - 1,766

0.5 Reading Clerk 1,371 - 1,766

0.5 Chaplain 500 - 915

2 Security Guard 1,500 - 2,615

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator for the employment of Administrative and Clerical Assistants. Each Senator will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such

consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2003.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 961-By Wiggins, Kenney, DePasco, Quick and Bland.

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eight new sections relating to police retirement systems.

SB 962-By Wiggins.

An Act to repeal section 115.507, RSMo, relating to the certification of election results, and to enact in lieu thereof one new section relating to the same subject.

SB 963-By DePasco.

An Act to repeal sections 144.010, 144.020, 144.030, 144.036, 144.039, 144.041, 144.043, 144.044, 144.045, 144.046, 144.047, 144.048, 144.062, 144.514, 144.517, 144.518, 144.805, 144.809, 144.811, 144.815, 209.255, 306.016 and 313.821, RSMo, relating to sales and use taxes, and to enact in lieu thereof twenty-one new sections relating to the same subject, with a referendum clause.

SB 964-By DePasco.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to cigarette retailers.

SB 965-By Stoll.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the state board of pharmacy.

SB 966-By Kennedy.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special licenses plates.

SB 967-By Kennedy, House and Dougherty.

An Act to repeal section 84.160, RSMo, relating to police officers, and to enact in lieu thereof one new section relating to the same subject.

SB 968-By Westfall and Childers.

An Act to repeal sections 144.805, 155.080 and 305.230, RSMo, relating to aviation improvement, and to enact in lieu thereof three new sections relating to the same subject.

SB 969-By Westfall and Bentley.

An Act to repeal sections 558.011, 558.018, 558.019, 566.030 and 566.060, RSMo, relating to sexual offenses, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 970-By Westfall, Goode, Russell, Cauthorn and Klindt.

An Act to repeal sections 142.803 and 227.100, RSMo, relating to transportation, and to enact in lieu thereof three new sections relating to the same subject.

SB 971-By Klindt, Cauthorn, Steelman and Foster.

An Act to amend chapter 640, RSMo, by adding thereto two new sections relating to environmental regulation.

SB 972-By Klindt, Cauthorn, Steelman and Foster.

An Act to repeal sections 348.430 and 348.432, RSMo, relating to new generation cooperatives, and to enact in lieu thereof two new sections relating to the same subject.

SB 973-By Klindt, Cauthorn, Childers, Steelman and Foster.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri biomass technology commission, with an expiration date.

SB 974-By Childers and Westfall.

An Act to repeal section 304.200, RSMo, relating to length limitations on certain vehicles, and to enact in lieu thereof one new section relating to the same subject.

SB 975-By Steelman, Bentley, Yeckel, Sims and Bland.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing and school supplies before the start of the school year, with an emergency clause.

SB 976-By Steelman, Stoll, Wiggins, Staples, DePasco, Quick, Kennedy, Klarich, Mathewson, Klindt, Yeckel, Kenney, House and Kinder.

An Act to repeal section 191.400, RSMo, relating to the state board of health, and to enact in lieu thereof one new section relating to the same subject.

SB 977-By Quick.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to public safety officer death benefits.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 727** and **SB 703**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 727** and **703**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 727 and 703

An Act to repeal section 307.173, RSMo, and to enact in lieu thereof one new section relating to tinted windows, with a penalty provision and an emergency clause.

Was taken up.

Senator Yeckel moved that **SCS** for **SBs 727** and **703** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SBs 727** and **703** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Benedict K. Zobrist, Ph.D., as a member of the State Historical Records Advisory Board;

Also,

John Blass and Donald Claycomb, as members of the Missouri Head Injury Advisory Council;

Also,

John Boyer, as a member of the Dam and Reservoir Safety Council;

Also,

Cynthia N. Brookshire, as a member of the Board of Geologist Registration;

Also,

James H. Buford, as a member of the St. Louis Regional Convention and Sports Complex Authority;

Also,

Colleen K. Conrad, as a member of the State Board of Accountancy;

Also,

G. Denise Cross, as a member of the Missouri Training and Employment Council;

Also,

H. Dwight Douglas, as a member of the Safe Drinking Water Commission;

Also,

Melinda K. Elmore, Melodie Friedebach, Sherry Hale, Glenda Kremer, Gregory Solum and Gary Stevens, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Lawrence Myles Gerstein, D.C., as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Wayne E. Giles, Ph.D., as a member of the Missouri Training and Employment Council;

Also,

Patrick M. Gleason, as a member of the Hazardous Waste Management Commission;

Also,

Jerome Glick, as a member of the Unmarked Human Burial Consultation Committee;

Also,

Karen M. Hamlet, as a public member of the Missouri Board of Occupational Therapy;

Also,

Richard Hanson, as a member of the Missouri State Employees' Voluntary Life Insurance Commission;

Also,

Rochelle L. Harris, Ph.D., and Laurel A. Kramer, Ph.D., as members of the State Committee of Psychologists;

Also,

Lisa E. Hosey, as a member of the Board of Geologist Registration;

Also,

Mark V. Kenney, as a member of the Missouri Community Service Commission;

Also,

Terrence G. Klamet, D.P.M., as a member of the State Board of Podiatric Medicine;

Also,

W. Dudley McCarter, as a member of the Children's Trust Fund Board;

Also,

Emmy L. McClelland, as a member of the Missouri Community Service Commission;

Also,

Carrie Lynn McCray and Kimberly J. McEnulty, as members of the Missouri State Committee of Interpreters;

Also,

Nolan McNeill, as a public member, and Joan R. Shores, as a member of the State Committee of Dieticians;

Also,

Kristine M. Moranville, as a member of the Missouri Board of Occupational Therapy;

Also,

John W. Newcomer, as a member of the Drug Utilization Review Board;

Also,

Michael C. Perry, as a member of the Organ Donation Advisory Committee;

Also,

Mary Hass Sheid, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

Mark C. Toomey, as a member of the Missouri Genetic Advisory Committee;

Also,

James Bradford Willett, as a member of the Missouri Emergency Response Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 801--Civil and Criminal Jurisprudence.

SB 802--Civil and Criminal Jurisprudence.

SB 803--Insurance and Housing.

SB 804--Local Government and Economic Development.

SB 805--Local Government and Economic Development.

SB 806--Local Government and Economic Development.

SB 807--Civil and Criminal Jurisprudence.

SB 808--Ways and Means.

SB 809--Ways and Means.

SB 810--Commerce and Environment.

SB 811--Education.

SB 812--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 813--Education.

SB 814--Civil and Criminal Jurisprudence.

SB 815--Insurance and Housing.

SB 816--Public Health and Welfare.

SB 817--Pensions and General Laws.

SB 818--Transportation.

SB 819--Judiciary.

SB 820--Ways and Means.

SB 821--Commerce and Environment.

SB 822--Insurance and Housing.

SB 823--Ways and Means.

SB 824--Ways and Means.

SB 825--Judiciary.

SB 826--Pensions and General Laws.

SB 827--Insurance and Housing.

SB 828--Aging, Families and Mental Health.

SB 829--Commerce and Environment.

SB 830--Aging, Families and Mental Health.

SB 831--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 832--Judiciary.

SB 833--Judiciary.

SB 834--Commerce and Environment.

SB 835--Aging, Families and Mental Health.

SB 836--Pensions and General Laws.

SB 838--Insurance and Housing.

SB 839--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 840--Pensions and General Laws.

SB 841--Insurance and Housing.

SB 842--Insurance and Housing.

SB 843--Insurance and Housing.

SB 844--Ways and Means.

SB 845--Commerce and Environment.

SB 848--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 849--Civil and Criminal Jurisprudence.

SB 850--Commerce and Environment.

SJR 22--Judiciary.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 978-By Kinder.

An Act to repeal section 537.053, RSMo, relating to dram shop liability, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 727** and **703**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Diane M. Benetz, Democrat, 6233 Northlake Drive, Parkville, Platte County, Missouri 64152, as a member of the Board of Regents for Linn State Technical College, for a term ending December 29, 2007, and until her successor is duly appointed and qualified; vice, Theresa Lademann, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas A. Brooks, Ph.D., Democrat, 3734 Chipmunk Drive, Joplin, Newton County, Missouri 64804, as a member of the Board of Regents for Missouri Southern State College, for a term ending August 30, 2007, and until his successor is duly appointed and qualified; vice, Jane B. Wyman, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy S. Fryer, M.D., Republican, 25 Foreway Drive, St. Louis, St. Louis County, Missouri 63124, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2003, and until her successor is duly appointed and qualified; vice, Charles Gulick, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cheryl E. Grazier, 651 Hiddenwood Court, Jefferson City, Cole County, Missouri 65109, as Executive Director for the Missouri Women's Council, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Gale S. Kessler, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Aubra A. Houchin, D.O., Republican, 4 Brantleigh Court, St. Charles, St. Charles County, Missouri 63301, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2004, and until his successor is duly appointed and qualified; vice, Thomas Hancock, D.O., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

LeRoy J. Kraemer, 106 Whitewater Drive, Manchester, St. Louis County, Missouri 63011, as a member of the State Board of Mediation, for a term ending October 25, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger D. Shaw, Jr., Republican, HC 3, Box 60B, Birch Tree, Oregon County, Missouri 65438, as a public member of the Missouri Veterinary Medical Board, for a term ending August 16, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Hass Sheid, Democrat, 1913 Cambridge Circle, West Plains, Howell County, Missouri 65775, as a member of the Board of Governor's for Southwest Missouri State University, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Allison M. Smith, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 914, regarding Dr. Richard Davis, M.D., Kansas City, which was adopted.

Senators Wiggins, Mathewson, Russell, Kinder, DePasco, Quick, Kenney, Klindt and Sims offered Senate Resolution No. 915, regarding Sergeant First Class Michael McElhiney, Tennessee, which was adopted.

Senator Wiggins offered Senate Resolution No. 916, regarding the death of Theodore Frederick Ismert, Raymore, which was adopted.

Senator Wiggins offered Senate Resolution No. 917, regarding the death of David R. Ritz, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 918, regarding the death of Rae J. Fleming, Kansas City, which was adopted.

COMMUNICATIONS

Senator Quick submitted the following:

January 16, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Harry Kennedy

to the following Senate committees: Aging, Families and Mental Health, Civil and Criminal Jurisprudence, Gubernatorial Appointments, Insurance and Housing, Local Government and Economic Development, and Pensions and General Laws.

Sincerely,

/s/ Ed Quick

Edward E. Quick

Minority Floor Leader

Senator Gross, Co-Chair of the Joint Interim Committee on Telecommunications and Energy submitted the Committee's interim report. A copy is on file in the office of the Secretary of Senate.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Michele Kratky, St. Louis.

Senator Steelman introduced to the Senate, Gerry Jones, Cape Girardeau.

Senator Kinder introduced to the Senate, Chris, Jordan and Emily Sheets, Cape Girardeau; and Jordan and Emily were made honorary pages.

Senator Gross introduced to the Senate, Joi Niedner, St. Charles.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, January 21, 2002.

SENATE CALENDAR

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 851-Westfall

SB 852-Bland

SB 853-Stoll

SB 854-Gross

SB 855-Caskey

SB 856-Russell

SB 857-Dougherty

SB 858-Dougherty and Kennedy

SB 859-Russell

SB 860-Rohrbach

SB 861-Rohrbach

SB 862-DePasco

SB 863-Gross

SB 864-Gross and House

SB 865-Foster and Kinder

SB 866-Cauthorn

SB 867-Cauthorn

SB 868-Cauthorn

SB 869-Cauthorn

SB 870-Goode

SB 871-Dougherty

SB 872-Dougherty and Goode

SB 873-House and Gross

SB 874-Bentley

SB 875-Gross

SB 876-Sims

SB 877-Sims

SB 878-Sims

SB 879-Steelman

SB 880-Steelman

SB 881-Steelman and Yeckel

SB 882-Sims

SB 883-DePasco

SB 884-DePasco

SB 885-Bentley

SB 886-Bentley and Stoll

SB 887-Sims

SB 888-Gross

SB 889-Dougherty

SB 890-Kenney

SB 891-Kenney

SB 892-Kenney

SB 893-Rohrbach

SB 894-Kinder

SB 895-Yeckel and Gross

SB 897-Dougherty, et al

SB 898-Dougherty, et al

SB 899-Dougherty and Kennedy

SB 900-Goode, et al

SB 901-Goode, et al

SB 902-Goode, et al

SB 903-Klindt

SB 904-Klindt

SB 905-Klindt

SB 906-House

SB 907-House

SB 908-Gibbons

SB 909-Gibbons

SB 910-Gibbons

SB 911-Foster, et al

SB 912-Mathewson

SB 913-Rohrbach

SB 914-Jacob

SB 915-Westfall, et al

SB 916-Dougherty, et al

SB 917-Dougherty and Sims

SB 918-Klarich

SB 919-Klarich

SB 920-Caskey

SB 921-Sims, et al

SB 922-Sims

SB 923-Sims

SB 924-Sims

SB 925-Sims and Dougherty

SB 926-Kenney, et al

SB 927-Jacob and Wiggins

SB 928-Jacob and Loudon

SB 929-Stoll

SB 930-Stoll

SB 931-Klarich

SB 932-Klarich

SB 933-Yeckel

SB 934-Foster and Cauthorn

SB 935-Foster and Cauthorn

SB 936-Foster

SB 937-Foster

SB 938-Cauthorn, et al

SB 939-Wiggins and DePasco

SB 940-Wiggins, et al

SB 941-DePasco

SB 942-Schneider, et al

SB 943-Schneider

SB 944-Goode and Schneider

SB 945-Stoll

SB 946-Jacob and Wiggins

SB 947-Klindt and Stoll

SB 948-Cauthorn, et al

SB 949-Bentley

SB 950-Gibbons and Klarich

SB 951-Loudon

SB 952-Loudon

SB 953-Loudon, et al

SB 954-Loudon

SB 955-Loudon

SB 956-Loudon

SB 957-Loudon, et al

SB 958-Kinder

SB 959-Kenney and Kinder

SB 960-Kenney and Steelman

SB 961-Wiggins, et al

SB 962-Wiggins

SB 963-DePasco

SB 964-DePasco

SB 965-Stoll

SB 966-Kennedy

SB 967-Kennedy, et al

SB 968-Westfall and Childers

SB 969-Westfall and Bentley

SB 970-Westfall, et al

SB 971-Klindt, et al

SB 972-Klindt, et al

SB 973-Klindt, et al

SB 974-Childers and Westfall

SB 975-Steelman, et al

SB 976-Steelman, et al

SB 977-Quick

SB 978-Kinder

SJR 23-Singleton

SJR 24-Johnson

SJR 25-Klarich and Gibbons

SJR 26-Klarich and

Cauthorn

SJR 27-Yeckel

SJR 28-Bland

SJR 30-Cauthorn

SJR 31-Gross

SJR 32-House

HOUSE BILLS ON SECOND READING

HCS for HBs 1386 & 1038

THIRD READING OF SENATE BILLS

SCS for SBs 727 & 703-

Yeckel and Stoll

RESOLUTIONS

SR 908-Steelman

SR 913-Kenney

Journal of the Senate

SECOND REGULAR SESSION

SEVENTH DAY--MONDAY, JANUARY 21, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"I have taught you the way of wisdom; I have led you in the paths of uprightness. When you walk your step will not be hampered; and if you run, you will not stumble." (Proverbs 4:11-12)

Gracious God, we remember Your servant Martin Luther King who walked in the path that You led him to take, to teach us to love one another and not let race or color or labels get in the way of doing what You have taught us is right. Help each of us to continue along this path so our work here may help and direct all men and women to the path of righteousness and courage. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 17, 2002, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senators--None			
Vacancies--1			

RESOLUTIONS

Senator Quick offered Senate Resolution No. 919, regarding Michael B. Anderson, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 920, regarding Matthew Jared Martin, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 921, regarding Anthony Tyton Mead, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 922, regarding William Andrew "Drew" Moberly, Liberty, which was adopted.

Senator Rohrbach offered Senate Resolution No. 923, regarding Mike Kehoe, Jefferson City, which was adopted.

Senator Gross offered Senate Resolution No. 924, regarding Julie Eckstein, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 925, regarding Amie Stein, St. Charles County, which was adopted.

Senator House offered Senate Resolution No. 926, regarding Julie Leverenz, Bowling Green, which was adopted.

Senator House offered Senate Resolution No. 927, regarding Louis Hoelscher, which was adopted.

Senator House offered Senate Resolution No. 928, regarding Dan L. Brown, which was adopted.

Senators Gross and House offered Senate Resolution No. 929, regarding Becky Harris, Wentzville, which was adopted.

Senator Dougherty offered Senate Resolution No. 930, regarding the Ninetieth Birthday of Marguerite Malone Viveros, St. Louis, which was adopted.

Senators Gross and House offered Senate Resolution No. 931, regarding Ted Yeater, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 932, regarding Jeanette Claas, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 933, regarding Becky Witt, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 934, regarding Louis "Lou" Spalding, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 935, regarding Vernon Horstmeier, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 936, regarding Alan Loyd, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 937, regarding John Rufkahr, Sr., St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 938, regarding William "Bill" Edelen, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 939, regarding Jim Ehlmann, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 940, regarding Michael "Mike" Blue, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 941, regarding Matt Regan, St. Charles County, which was adopted.

Senator Steelman offered Senate Resolution No. 942, regarding Mary Ann Glover, Mokane, which was adopted.

Senator House offered Senate Resolution No. 943, regarding William E. Rodak, Warrenton, which was adopted.

Senator Steelman offered Senate Resolution No. 944, regarding the death of Kelly L. Poynter, Lebanon, which was adopted.

Senator Klindt offered Senate Resolution No. 945, regarding Chief Warrant Officer Kevin A. Buckrucker, Sr., Clinton County, which was adopted.

Senator Sims offered Senate Resolution No. 946, regarding George R. Albin, DDS, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 947, regarding Warren H. Speiser, DDS, Florissant, which was adopted.

Senator Kennedy offered Senate Resolution No. 948, regarding Edward M. Croghan, DDS, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 949, regarding Dan B. Cotner, DDS, Cape Girardeau, which was adopted.

Senator Wiggins offered Senate Resolution No. 950, regarding Claron P. Western, DDS, Kansas City, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 951

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Missouri Jaycees organization has sought to instill leadership qualities in its members through its excellent mock legislature program; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of their governmental and citizenship programs;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, hereby grant the Missouri Jaycees permission to use the Senate Chamber for the purpose of holding the Thirty-third Annual Missouri Jaycee Mock Legislature on Saturday, November 2, 2002.

Senators Steelman and Russell, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 952

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to recognize the lasting legacy of Kelly L. Poynter, a Trooper with the Missouri State Highway Patrol who was killed in the line of duty on January 18, 2002; and

WHEREAS, born to Clifford and Kathy Poynter in Lebanon, Missouri, on December 25, 1974, Kelly Poynter declared his love for the Lord at an early age when he was saved in faith at Second Baptist Church in Lebanon, and continued to glorify God as a member of the First Baptist Church in Houston; and

WHEREAS, on May 29, 1993, Kelly Poynter embarked upon a new and exciting chapter in his life when he married his beloved Alison Kerisha Bowman, a kind and loving woman who enjoyed every moment of his company until his untimely departure from this world; and

WHEREAS, Kelly Poynter distinguished himself as a stellar employee of the Laclede County Sheriff's Office before attending and graduating from the Missouri Law Enforcement Academy, 72nd Recruit Class in 1996, and earning his Associate's degree in Criminal Justice from Mineral Area College; and

WHEREAS, an avid outdoorsman who greatly enjoyed hunting, fishing, and NASCAR racing, Kelly Poynter began a rewarding career with Missouri State Highway Patrol Troop G in Houston on July 1, 1996, since which time he had earned the praise and respect of his fellow Troopers for his honor, integrity, and courage - characteristics which were evident at the time of his death as he pushed two individuals out of the way of the oncoming car that took his life; and

WHEREAS, preceded in death by his father, Clifford Poynter, his grandmother, Dorothy Woodard, and his grandfather, Neil Poynter, Kelly

Poynter leaves behind to cherish his memory his devoted wife of eight years, Alison Poynter; his two sons, Kaleb Ray and Nathaniel Bryce Poynter; his mother and stepfather, Kathy and Kenny Moore of Lebanon; his sister, Crissy Poynter of Lebanon; his two stepsisters, Pam Middleton of Marshfield and Sally Escarcega of Phoenix, Arizona; his stepbrother, Bud Moore of Lebanon; his grandmother, Virginia Poynter of Lebanon; his grandfather, Glen Woodard of Mountain View, Arkansas; his mother and father-in-law, Dean and Hazel Bowman of Lebanon; and a host of aunts, uncles, nieces, nephews, cousins, colleagues, and friends:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in paying final tribute to Kelly Poynter, a loving husband, proud father, outstanding law enforcement officer, and fallen hero who will be sadly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the widow of the late Kelly L. Poynter, as an expression of our deepest sympathy.

The Senate observed a moment of silence in memory of Missouri State Highway Patrol Trooper Kelly L. Poynter.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 979-By Singleton.

An Act to repeal sections 174.020, 174.230, 174.231, 174.233 and 174.241, RSMo, relating to Missouri southern state college, and to enact in lieu thereof six new sections relating to the same subject.

SB 980-By Singleton and Schneider.

An Act to repeal section 334.540, RSMo, relating to the licensing of physical therapists, and to enact in lieu thereof one new section relating to the same subject.

SB 981-By Westfall.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the use of credit history for insurance purposes, with penalty provisions.

SB 982-By Kennedy.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for assistance and care for the disabled, with an effective date.

SB 983-By Sims and Kennedy.

An Act to amend chapter 38, RSMo, by adding thereto one new section relating to a joint committee on terrorism, bioterrorism, and homeland security, with an emergency clause.

SB 984-By Steelman.

An Act to repeal section 640.100, RSMo, relating to the department of natural resources, and to enact in lieu thereof one new section relating to the same subject.

SB 985-By Steelman.

An Act to repeal sections 644.573, 644.575 and 644.577, RSMo, relating to water pollution bonds, and to enact in lieu thereof three new sections relating to the same subject.

SB 986-By Steelman.

An Act to repeal section 209.292, RSMo, and to enact in lieu thereof one new section relating to the deaf and hard of hearing.

SB 987-By Childers.

An Act to repeal sections 67.1850, 82.1035 and 256.670, RSMo, relating to geographic information systems, and to enact in lieu thereof one new section relating to the same subject.

SB 988-By Caskey.

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

SB 989-By Caskey.

An Act to repeal section 137.082, RSMo, relating to the ad valorem property tax on new construction, and to enact in lieu thereof one new section relating to the same subject.

SB 990-By Cauthorn, Klindt, Foster, Childers and Steelman.

An Act to amend chapter 142, RSMo, by adding thereto one new section relating to biodiesel fuel.

SB 991-By Kinder.

An Act to repeal section 162.790, RSMo, relating to certain disabled students, and to enact in lieu thereof one new section relating to the same subject.

SB 992-By Johnson.

An Act to repeal section 447.721, RSMo, relating to lost and unclaimed property, and to enact in lieu thereof one new section relating to the same subject.

SB 993-By Rohrbach.

An Act to repeal section 321.130, RSMo, relating to residency requirements for fire protection district directors, and to enact in lieu thereof one new section relating to the same subject.

SB 994-By Rohrbach.

An Act to amend chapter 484, RSMo, by adding thereto one new section relating to the legal consumer's bill of rights.

SB 995-By Rohrbach.

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

THIRD READING OF SENATE BILLS

SCS for **SBs 727** and **703**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 727 and 703

An Act to repeal section 307.173, RSMo, and to enact in lieu thereof one new section relating to tinted windows, with

a penalty provision and an emergency clause.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **SCS** for **SBs 727** and **703** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Rohrbach-- 1			
Absent with leave--Senator Schneider-- 1			
Vacancies-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Schneider-- 1			
Vacancies-- 1			

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Kenney moved that **SR 913** be taken up for adoption, which motion prevailed.

On motion of Senator Kenney, **SR 913** was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Boykins, Green (73), Green (15), Merideth, Ransdall, Wilson (42), Townley, Dolan, Miller and Reinhart.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to escort Lieutenant Governor Joe Maxwell and members of the Senate to the House Chamber. Representatives: Bland, Bowman, Lawson, Scheve, Villa, Williams, Crawford, Holand, Purgason and Berkstresser.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald A. Battelle, 1994 Kingsford Drive, Florissant, St. Louis County, Missouri 63031, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2003, and until his successor is duly appointed and qualified; vice, Col. Lee Payne, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deron L. Cherry, Republican, 505 Northeast Oaks Ridge Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, Nancy Siwak, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 851--Transportation.

SB 852--Insurance and Housing.

SB 853--Labor and Industrial Relations.

SB 854--Pensions and General Laws.

SB 855--Civil and Criminal Jurisprudence.

SB 856--Local Government and Economic Development.

SB 857--Pensions and General Laws.

SB 858--Education.

SB 859--Education.

SB 860--Pensions and General Laws.

SB 861--Pensions and General Laws.

SB 862--Insurance and Housing.

SB 863--Education.

SB 864--Education.

SB 865--Agriculture, Conservation, Parks and Tourism.

SB 866--Agriculture, Conservation, Parks and Tourism.

SB 867--Transportation.

SB 868--Transportation.

SB 869--Local Government and Economic Development.

SB 870--Commerce and Environment.

SB 871--Public Health and Welfare.

SB 872--Commerce and Environment.

SB 873--Education.

SB 874--Education.

SB 875--Civil and Criminal Jurisprudence.

SB 876--Aging, Families and Mental Health.

SB 877--Aging, Families and Mental Health.

SB 878--Aging, Families and Mental Health.

SB 879--Public Health and Welfare.

SB 880--Education.

SB 881--Commerce and Environment.

SB 882--Pensions and General Laws.

SB 883--Ways and Means.

SB 884--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 885--Local Government and Economic Development.

SB 886--Commerce and Environment.

SB 887--Local Government and Economic Development.

SB 888--Commerce and Environment.

SB 889--Education.

SB 890--Education.

SB 891--Transportation.

SB 892--Commerce and Environment.

SB 893--Insurance and Housing.

SB 894--Ways and Means.

SB 895--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 897--Education.

SB 898--Education.

SB 899--Ways and Means.

SB 900--Commerce and Environment.

SB 901--Ways and Means.

SB 902--Ways and Means.

SB 903--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 904--Public Health and Welfare.

SB 905--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 906--Transportation.

SB 907--Transportation.

SB 908--Ways and Means.

SB 909--Ways and Means.

SB 910--Ways and Means.

SB 927--Ways and Means.

SB 928--Ways and Means.

SB 953--Ways and Means.

SB 955--Ways and Means.

SB 958--Judiciary.

SB 975--Ways and Means.

SB 978--Pensions and General Laws.

SJR 23--Rules, Joint Rules, Resolutions and Ethics.

SJR 24--Judiciary.

SJR 25--Ways and Means.

SJR 26--Ways and Means.

SJR 27--Education.

SJR 28--Judiciary.

SJR 30--Education.

SJR 31--Pensions and General Laws.

SJR 32--Transportation.

COMMUNICATIONS

President Pro Tem Kinder submitted the following hearing schedule:

SENATE HEARING SCHEDULE
91st GENERAL ASSEMBLY
SECOND REGULAR SESSION
JANUARY 21, 2002

	Monday	Tuesday	Wednesday	Thursday
8:30 a.m.		Commerce and Environment- SL (Steelman) Labor & Industrial Relations- SCR 2 (Loudon)	Civil and Criminal Jurisprudence- SCR 1 (Westfall)	Rules, Jt. Rules, Resolutions and Ethics - SL (Kenney) Agriculture, Conservation, Parks & Tourism- SCR 1 (Foster)
9:00 a.m.		Aging, Families & Mental Health- SCR 1 (Sims)	Gubernatorial Appointments- SL (Kinder)	.
1:00 p.m.		Transportation- SCR 2 (Westfall) Judiciary- SL (Klarich)	Public Health and Welfare- SL (Singleton)	
1:30 p.m.	Financial and Governmental Organization, Veterans' Affairs and Elections- SL (Yeckel)			
2:30 p.m.	Appropriations <u>2:30 - 4:00 p.m.</u> SCR 2 (Russell)	Insurance and Housing SL (Rohrbach) Local Government & Economic Development- SCR 1 (Childers)	Education- SCR 1 (Bentley)	
3:00 p.m.			Pensions and General Laws- SL (Gross)	
7:00 p.m.		Ways & Means SL (Gibbons)		
7:30 p.m.	Appropriations SCR 2 (Russell) <u>7:30 - 9:30 p.m.</u>	Appropriations SCR 2 (Russell) <u>7:30 - 9:30 p.m.</u>	Appropriations SCR 2 (Russell) <u>7:30 - 9:30 p.m.</u>	

SL - Senate Lounge

SCR 1 - Senate Committee Rm. 1, Room 118

SCR 2 - Senate Committee Rm. 2, Room 119

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 996-By Quick.

An Act to repeal sections 476.270 and 483.245, RSMo, relating to compensation of certain county employees, and to enact in lieu thereof two new sections relating to the same subject.

SB 997-By Quick.

An Act to repeal section 140.110, RSMo, relating to payment of certain taxes, and to enact in lieu thereof one new section relating to the same subject.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 953, regarding Luther A. Forrest, DDS, St. Louis, which was adopted.

Senator Klindt offered Senate Resolution No. 954, regarding Roy L. Hinkle, DDS, Bethany, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Jared Barrett, Columbia.

Senator Mathewson introduced to the Senate, Phillip Santoli, Jefferson City.

Senator Stoll introduced to the Senate, his mother, Shirley Stoll, his brother, Mark Stoll, and his nephew, Thomas Stoll, Festus; and Brent Nelson, Kirksville.

On behalf of Senator Jacob, Senator Johnson introduced to the Senate, Iesha, Ta'nesha, Talicia and James, Columbia; and Iesha, Ta'nesha, Talicia and James were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY-TUESDAY, JANUARY 22, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 911-Foster, et al

SB 912-Mathewson

SB 913-Rohrbach

SB 914-Jacob

SB 915-Westfall, et al

SB 916-Dougherty, et al

SB 917-Dougherty and Sims

SB 918-Klarich

SB 919-Klarich

SB 920-Caskey

SB 921-Sims, et al

SB 922-Sims

SB 923-Sims

SB 924-Sims

SB 925-Sims and Dougherty

SB 926-Kenney, et al

SB 929-Stoll

SB 930-Stoll

SB 931-Klarich

SB 932-Klarich

SB 933-Yeckel

SB 934-Foster and
Cauthorn

SB 935-Foster and
Cauthorn

SB 936-Foster

SB 937-Foster

SB 938-Cauthorn, et al

SB 939-Wiggins and

DePasco

SB 940-Wiggins, et al

SB 941-DePasco

SB 942-Schneider, et al

SB 943-Schneider

SB 944-Goode and

Schneider

SB 945-Stoll

SB 946-Jacob and Wiggins

SB 947-Klindt and Stoll

SB 948-Cauthorn, et al

SB 949-Bentley

SB 950-Gibbons and

Klarich

SB 951-Loudon

SB 952-Loudon

SB 954-Loudon

SB 956-Loudon

SB 957-Loudon, et al

SB 959-Kenney and Kinder

SB 960-Kenney, et al

SB 961-Wiggins, et al

SB 962-Wiggins

SB 963-DePasco

SB 964-DePasco

SB 965-Stoll

SB 966-Kennedy

SB 967-Kennedy, et al

SB 968-Westfall and

Childers

SB 969-Westfall and

Bentley

SB 970-Westfall, et al

SB 971-Klindt, et al

SB 972-Klindt, et al

SB 973-Klindt, et al

SB 974-Childers and

Westfall

SB 976-Steelman, et al

SB 977-Quick

SB 979-Singleton

SB 980-Singleton and

Schneider

SB 981-Westfall

SB 982-Kennedy

SB 983-Sims and Kennedy

SB 984-Steelman

SB 985-Steelman

SB 986-Steelman

SB 987-Childers

SB 988-Caskey

SB 989-Caskey

SB 990-Cauthorn, et al

SB 991-Kinder

SB 992-Johnson

SB 993-Rohrbach

SB 994-Rohrbach

SB 995-Rohrbach

SB 996-Quick

SB 997-Quick

HOUSE BILLS ON SECOND READING

HCS for HBs 1386 & 1038

RESOLUTIONS

SR 908-Steelman

Journal of the Senate

SECOND REGULAR SESSION

EIGHTH DAY--TUESDAY, JANUARY 22, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"...if you indeed cry out for insight, and raise your voice for understanding,...then you will understand righteousness and justice and equity, every good path." (Proverbs 2:3, 9)

Gracious Father, the ups and downs of life are often confusing and challenging for us and so we ask, give to us Your blessings and inspiration so that we may grow wiser and more disciplined in our daily living, so we may learn to live in peace and our minds renewed by Your word every day. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 955, regarding Everett R. Roeder, Jr., DMD, Brentwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 956, regarding Albert D. Thomas, DDS, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 957, regarding Calvin H. Weiss, DDS, St. Louis, which was adopted.

Senator Wiggins offered Senate Resolution No. 958, regarding the death of Irving Achtenberg, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Dougherty offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, cancer is a leading cause of morbidity and mortality in the State of Missouri and throughout the Nation; and

WHEREAS, cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons 65 years of age or older who are thus dependent on the federal Medicare program for provision of cancer care; and

WHEREAS, since treatment with anti-cancer drugs is the cornerstone of modern cancer care, elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have an injectable version; and

WHEREAS, the Nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anti-cancer drugs that are less toxic, more effective, and more cost-effective than existing therapies, but because such drugs do not have an injectable equivalent, they are not covered by Medicare; and

WHEREAS, noncoverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program; and

WHEREAS, Medicare's failure to cover oral anti-cancer drugs leaves at risk many beneficiaries suffering from blood-related cancers like leukemia, lymphoma, and myeloma, as well as cancers of the breast, lung, and prostate; and

WHEREAS, certain members of the United States Congress have recognized the necessity of Medicare coverage for all oral anti-cancer drugs and introduced legislation in the 107th Congress to achieve such result (H.R. 1624 and S. 913):

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, respectfully urge the United States Congress to adopt legislation requiring the Medicare program to cover all oral anti-cancer drugs; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the Secretary of Health and Human Services, the Administrator of the Centers for Medicare and Medicaid Services, and each member of the Missouri Congressional Delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 998-By Staples.

An Act to repeal sections 415.410, 415.415 and 415.420, RSMo, relating to self-service storage facilities, and to enact in lieu thereof three new sections relating to the same subject.

SB 999-By Rohrbach.

An Act to repeal section 306.016, RSMo, relating to watercraft, and to enact in lieu thereof one new section relating to the same subject.

SB 1000-By Dougherty.

An Act to repeal sections 44.010, 44.100, 105.711, 192.320, 473.697 and 490.620, and to enact in lieu thereof ten new sections relating to state emergency health powers, with an emergency clause and penalty provision.

RESOLUTIONS

Senator Steelman moved that **SR 908** be taken up for adoption, which motion prevailed.

On motion of Senator Steelman, **SR 908** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Stelman	Stoll	Westfall	Wiggins--32
NAYS--Senators--None			
Absent--Senator Yeckel--1			
Absent with leave--Senators--None			
Vacancies--1			

HOUSE BILLS ON SECOND READING

HCS for **HBs 1386** and **1038**--Transportation.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 1001-By Mathewson.

An Act to amend chapter 57, RSMo, by adding thereto one new section relating to sheriff's retirement.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Susan and Martha Witt, and members of the T-Town 4-H Club, Tuscumbia.

Senator Caskey introduced to the Senate, Ron, Janice, Samantha and Nathan Warner, Archie; and Samantha and Nathan were made honorary pages.

Senator Caskey introduced to the Senate, Jeremy Cover, Clinton.

Senator Klindt introduced to the Senate, Adam, Jacob and Cheryl Klingensmith, Bethany; and Linda Denton.

Senator Gross introduced to the Senate, the Physician of the Day, Dr. Del Moeller, M.D., Lake St. Louis.

On behalf of Senator Mathewson and himself, Senator Westfall introduced to the Senate, Natalie and Kathleen Clevenger, Brittney Adkison and 4-H parents from Caldwell County; and Natatlie, Kathleen and Brittney were made honorary pages.

Senator Cauthorn introduced to the Senate, his wife, Teresa, and their children, Andrew and Kaitlyn, Audrain County; Becky Kruger, Clark County; and Dale and Donna Mudd and Cindy Brach, Audrain County; and Andrew and Kaitlyn were made honorary pages.

Senator Kennedy introduced to the Senate, Julie Caldwell, Dustin Amber and Jason Baugh, St. Louis.

On behalf of Senator Caskey and himself, Senator Mathewson introduced to the Senate, Kathy Jenkins, Rich Hill.

Senator Mathewson introduced to the Senate, Travis and Rhonda Luther, Lawson.

Senator Singleton introduced to the Senate, Justin and Mitch Pendergraft, Seneca.

On behalf of Senator Gibbons and herself, Senator Yeckel introduced to the Senate, Victoria and Michelle Williams and Shirley Arns, St. Louis; and Victoria was made an honorary page.

Senator Westfall introduced to the Senate, members of the Polk County 4-H Clubs and their parents; and Justin Tracy, Leland Jones, Baylee Henderson and Carla Robertson were made honorary pages.

Senator Sims introduced to the Senate, members of the Missouri Alliance for Home Care from around the state.

Senator Cauthorn introduced to the Senate, Nicole and Elaine Widaman, and Debbie and Jonathan Bradney, Marion County.

Senator Mathewson introduced to the Senate, the Anderson family, Sedalia.

Senator Bland introduced to the Senate, Delbert L. White, Kansas City.

Senator Wiggins introduced to the Senate, Ken Bonar, Joe Blair and Marvin Suthers, Kansas City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY-WEDNESDAY, JANUARY 23, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 911-Foster, et al

SB 912-Mathewson

SB 913-Rohrbach

SB 914-Jacob

SB 915-Westfall, et al

SB 916-Dougherty, et al

SB 917-Dougherty and Sims

SB 918-Klarich

SB 919-Klarich

SB 920-Caskey

SB 921-Sims, et al

SB 922-Sims

SB 923-Sims

SB 924-Sims

SB 925-Sims and Dougherty

SB 926-Kenney, et al

SB 929-Stoll

SB 930-Stoll

SB 931-Klarich

SB 932-Klarich

SB 933-Yeckel

SB 934-Foster and

Cauthorn

SB 935-Foster and

Cauthorn

SB 936-Foster

SB 937-Foster

SB 938-Cauthorn, et al

SB 939-Wiggins and

DePasco

SB 940-Wiggins, et al

SB 941-DePasco

SB 942-Schneider, et al

SB 943-Schneider

SB 944-Goode and

Schneider

SB 945-Stoll

SB 946-Jacob and Wiggins

SB 947-Klindt and Stoll

SB 948-Cauthorn, et al

SB 949-Bentley

SB 950-Gibbons and

Klarich

SB 951-Loudon

SB 952-Loudon

SB 954-Loudon

SB 956-Loudon

SB 957-Loudon, et al

SB 959-Kenney and Kinder

SB 960-Kenney, et al

SB 961-Wiggins, et al

SB 962-Wiggins

SB 963-DePasco

SB 964-DePasco

SB 965-Stoll

SB 966-Kennedy

SB 967-Kennedy, et al

SB 968-Westfall and

Childers

SB 969-Westfall and Bentley

SB 970-Westfall, et al

SB 971-Klindt, et al

SB 972-Klindt, et al

SB 973-Klindt, et al

SB 974-Childers and

Westfall

SB 976-Steelman, et al

SB 977-Quick

SB 979-Singleton

SB 980-Singleton and

Schneider

SB 981-Westfall

SB 982-Kennedy

SB 983-Sims and Kennedy

SB 984-Steelman

SB 985-Steelman

SB 986-Steelman

SB 987-Childers

SB 988-Caskey

SB 989-Caskey

SB 990-Cauthorn, et al

SB 991-Kinder

SB 992-Johnson

SB 993-Rohrbach

SB 994-Rohrbach

SB 995-Rohrbach

SB 996-Quick

SB 997-Quick

SB 998-Staples

SB 999-Rohrbach

SB 1000-Dougherty

SB 1001-Mathewson

RESOLUTIONS

To be Referred

SCR 37-Dougherty

Journal of the Senate

SECOND REGULAR SESSION

NINTH DAY--WEDNESDAY, JANUARY 23, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"For you who revere my name the sun of righteousness shall rise, with healing in its wings, says the Lord of hosts." (Malachi 4:2)

Heavenly Father, as the sun shines upon us we recognize how in Your presence we are given the opportunity to help those who are in serious need in our state. We recognize the limited resources available and how we must set priorities on how we make use of them. Let what we do assist in healing those who are broken and/or in need that they, too, may revere Your name. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KODE-TV, Joplin, were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 959, regarding the Eighty-fifth Birthday of Georgia Headrick, Escondido, California, which was adopted.

Senator Klindt offered Senate Resolution No. 960, regarding the Eighty-fifth Birthday of Martha Dawson, Burlington Junction, Missouri, which was adopted.

Senator Rohrbach offered Senate Resolution No. 961, regarding Shirley Ann Robinett, Jefferson City, which was adopted.

Senator Caskey offered Senate Resolution No. 962, regarding the James C. Kirkpatrick Library on the Central Missouri State University campus, which was adopted.

CONCURRENT RESOLUTIONS

Senator Klarich offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 38

An act by concurrent resolution and pursuant to Article IV, Section 8, Missouri Constitution, to disapprove portions of 13 CSR 70-20.031 and 13 CSR 70-20.034 relating to prior authorization of excludable and non-excludable drugs.

WHEREAS, the Department of Social Services promulgated 13 CSR 70-20.031 and 13 CSR 70-20.034 which would become effective thirty days after publication in the Code of State Regulations; and

WHEREAS, the Joint Committee on Administrative Rules has found that the Department acted arbitrarily and capriciously and recommends that the General Assembly act to permanently disapprove and suspend that portion of 13 CSR 70-20.031(3), List of Excludable Drugs for Which Prior Authorization is Required, that reads "Itraconazole Oral -- Noncosmetic uses"; and that portion of 13 CSR 70-20.034(2), List of Non-Excludable Drugs for Which Prior Authorization is Required, that reads "Non-sedating antihistamines -- unrestricted use by patients 18 years of age and younger and medically accepted uses following acceptable trial of unrestricted alternatives for patients older than 18 years of age"; and

WHEREAS, the General Assembly finds that the department acted arbitrarily and capriciously when it failed to comply with the provisions of 13 CSR 70-20.200 (3) and (4) when promulgating those portions of 13 CSR 70-20.031 and 13 CSR 70-20.034 which relate to Itraconazole and non-sedating antihistamines:

NOW, THEREFORE, BE IT RESOLVED, that the ninety-first General Assembly, Second Regular Session, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends that portion of 13 CSR 70-20.031(3), List of Excludable Drugs for Which Prior Authorization is Required, that reads "Itraconazole Oral -- Noncosmetic uses"; and that portion of 13 CSR 70-20.034(2), List of Non-Excludable Drugs for Which Prior Authorization is Required, that reads "Non-sedating antihistamines -- unrestricted use by patients 18 years of age and younger and medically accepted uses following acceptable trial of unrestricted alternatives for patients older than 18 years of age"; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the revocation upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-first General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

BE IT FURTHER RESOLVED, that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Read 1st time.

COMMUNICATIONS

Pursuant to Section 536.021, RSMo, Senator Klarich submitted a copy of the Joint Committee on Administrative Rules' committee report disapproving a portion of 13 CSR 70-20.031 and a portion of 13 CSR 70-20.034. A copy of the committee's report is on file in the office of the Secretary of Senate.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1002-By Mathewson.

An Act to repeal sections 311.070 and 311.680, RSMo, and to enact in lieu thereof two new sections relating to liquor control, with a penalty provision.

SB 1003-By Steelman.

An Act to repeal section 190.120, RSMo, relating to ambulance services, and to enact in lieu thereof one new section relating to the same subject.

SB 1004-By Loudon.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

SB 1005-By Loudon.

An Act to repeal sections 288.040 and 288.050, RSMo, relating to employment security, and to enact in lieu thereof two new sections relating to the same subject.

SB 1006-By Loudon, Foster and Kinder.

An Act to amend chapter 541, RSMo, by adding thereto one new section relating to credit card fraud prosecution.

SB 1007-By Stoll.

An Act to repeal sections 327.011, 327.031, and 327.081, RSMo, and to enact in lieu thereof three new sections relating to the professional board of architects, engineers, land surveyors and landscape architects.

SB 1008-By Stoll.

An Act to repeal sections 260.370, 260.375, 319.125, 319.127, 319.139, RSMo, section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, relating to environmental clean-up, and to enact in lieu thereof seven new sections relating to the same subject.

SB 1009-By Rohrbach.

An Act to repeal sections 375.330, 375.345, and 376.311, RSMo, and to enact in lieu thereof three new sections relating to investments by insurance companies.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder submitted the following committee appointment, pursuant to **HCR 2**: Senators Bentley, Bland, Childers, Gross, Jacob, Johnson, Kennedy, Klindt, Stoll and Yeckel.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has added the following member to the Escort Committee pursuant to **HCR 2**. Representative Troupe.

REFERRALS

President Pro Tem Kinder referred **SCR 37** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Kenney moved that the Senate recess to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Bob Holden, which motion prevailed.

JOINT SESSIONThe Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present--Senators

Bentley Bland Caskey Cauthorn

Childers DePasco Dougherty Foster

Gibbons Goode Gross House

Jacob Johnson Kennedy Kenney

Kinder Klarich Klindt Loudon

Mathewson Quick Rohrbach Russell

Schneider Sims Singleton Staples

Steelman Stoll Westfall Wiggins

Yeckel--33

Absent--Senators--None

Absent with leave--Senators--None

Vacancies--1

On roll call the following Representatives were present:

Present--Representatives

Abel Baker Ballard Barnett

Barnitz Barry (100) Bartelsmeyer Bartle

Bearden Behnen Berkowitz Berkstresser

Black Bland Boatright Bonner

Boucher Bowman Boykins Bray (84)

Britt Brooks Burcham Burton

Byrd Campbell Carnahan Champion

Cierpiot Clayton Cooper Copenhaver

Crawford Crowell Cunningham Curls

Daus Davis Dempsey Dolan

Enz Fares Farnen Foley

Franklin Fraser Froelker Gambaro

Gaskill George Graham Gratz

Green (15) Green (73) Griesheimer Hagan-Harrell

Hampton Hanaway Harding Harlan

Hartzler Haywood Hegeman Henderson

Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Holt Hoppe

Hosmer Jetton Johnson (61) Johnson (90)

Jolly Kelley (47) Kelly (144) Kelly (27)

Kelly (36) King Koller Lawson

Legan Levin Liese Linton

Lograsso Long Lowe Luetkemeyer

Luetkenhaus Marble Marsh May (149)

Mayer Mays (50) McKenna Merideth

Miller Monaco Moore Murphy

Myers Naeger Nordwald O'Connor

Ostmann O'Toole Overschmidt Phillips

Portwood Purgason Quinn Ransdall

Rector Reid Relford Reynolds

Richardson Ridgeway Rizzo Roark

Robirds Ross Scheve Schwab

Scott Secrest Seigfreid Selby

Shelton Shields Shoemaker Shoemyer

Skaggs Smith St. Onge Surface

Thompson Townley Treadway Troupe

VanZandt Villa Vogel Wagner

Walton Ward Whorton Williams

Willoughby Wilson (25) Wilson (42) Wright

Mr. Speaker--157

Absent and Absent with Leave--Representatives

Crump Hunter Reinhart--3

Vacancies--3

The Joint Committee appointed to wait upon His Excellency, Governor Bob Holden, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

STATE OF THE STATE ADDRESS

By

Governor Bob Holden

January 23, 2002

"MEETING OUR CHALLENGES TOGETHER"

Mr. President, Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Mr. Chief Justice, members of the Missouri State Supreme Court, members of the 91st General Assembly, and citizens of the State of Missouri:

The state of our state today, like the state of our nation, is one of challenge.

We are challenged from without by a terrorist threat.

We are challenged from within by a recession that grips not only Missouri, but all of America.

We are challenged to live within our means while we continue to provide for those who most need our help and while we continue to build Missouri's future.

It's tough, but we are going to get it done.

We are Missourians, and we know how to work together to meet our challenges.

That's the kind of thing you learn about early in life when you grow up like I did in a small Ozark community.

A community where everyone was just trying to get by -- to keep a roof overhead, food on the table, clothes on our backs, and the bills paid.

A big Saturday night at our house was popping popcorn, splitting a couple of Cokes among six people, and going to a drive-in movie.

We didn't have a lot, and what we had wasn't fancy.

But we were among the most fortunate kids in our community because we had a loving and supportive family.

Raising a family in Birch Tree, Missouri, in the 1950s and 1960s was a real challenge for many.

But my parents never saw it that way.

They saw it as an opportunity -- an opportunity to raise their children in a caring and safe environment.

An opportunity to raise us in a place where with a little struggle and a little sacrifice you could give your children a better tomorrow.

A place where as a family and a community you could all stick together and get the job done.

I've thought about those days a lot over the last few months as our Missouri economy has slid from record growth to recession.

I've thought about the examples the people of Birch Tree set for us while I was growing up -- each generation doing its part so the next generation would have greater opportunities.

There is no better example of this than one set recently by an outstanding Missourian.

She has joined us here today, and I want you to meet her.

She had some unusual aspirations while she was growing up in southeast Missouri.

While other young women dreamed of becoming doctors or business executives or teachers or shopkeepers, she dreamed of becoming something girls couldn't be.

She wanted to be an astronaut.

She never missed the coverage of a space launch -- often watching with her father who worked as a machinist at a factory.

And she didn't dwell on insurmountable barriers standing in her way -- for example, the fact that NASA wouldn't even consider women applicants for astronaut duty.

In spite of this, she knew if she was ever to realize her dream, she would need to get the best education possible.

And she got that education right here in our Missouri public schools.

She graduated from high school in Jackson, Missouri, and received her undergraduate degree at Southeast Missouri State University.

Then she did graduate work at the University of Missouri-Columbia where she received a master's degree in science and a doctorate in physics.

In her spare time, she learned to fly.

In 1978, when NASA began taking women applicants for the astronaut corps, Linda knew that instead of having no chance to become an astronaut, she would now have one chance in a million.

She was one of only a hundred applicants to be interviewed out of the thousands that applied.

On her first and second go-around, she was turned down.

And after two rejections, I am sure a lot of us would think there are other ways to make a living.

But our honored guest doesn't think that way.

She was persistent, and in the newspapers and on television not too long ago, there were pictures of her at work.

In outer space.

On the International Space Station.

As a member of the crew of Space Shuttle Endeavour.

This young woman who once walked the hills and fields of rural Missouri, dreaming great dreams and gazing up at the stars, gazed down on Missouri as she walked in space.

Today she walks with us.

She is here with her husband, a former astronaut himself who hails from our neighboring state of Illinois.

Ladies and gentlemen, please welcome home our Missouri astronaut Linda Godwin and her husband Steven Nagel.

Linda and Steven, would you please stand.

Linda Godwin's accomplishments are a shining example of how all children growing up in Missouri can rise to meet their personal challenges if they work hard, and if we -- their parents and teachers -- provide the opportunity and support for a good education.

The lessons we must take from Linda Godwin are as important as they are obvious.

In times of challenge, we must keep sight of our goals.

We must stick together.

We must get the job done.

The economic outlook confronting the state of Missouri in fiscal year 2003 presents a major challenge.

We were experiencing record prosperity through the late 1990s.

But now we are in the midst of a national recession -- made even more severe by the events of September 11th.

As Governor, I have a constitutional responsibility to keep the state budget in balance, and I will do so.

As all of you sitting in this chamber know, the state's budget is not all that different from the budget every Missouri family has at home.

Once you take out the money you have to spend on basics like food, rent, and outstanding bills, the amount you actually have control over is only a small fraction of what you take in.

So in formulating the state's spending plan for this year, we are going to have to do what all Missouri families do when they gather around the kitchen table to look at their budgets.

We will make some tough choices that will limit state spending to the amount of our projected revenue.

And we will do so without an across-the-board-tax increase.

In doing this, we will be guided by four key principles.

First, we will redouble our efforts to reduce government waste and to improve the efficiency and management of the administration of state government.

We have had success in this area, but we must do more.

At a time when we must ask some Missourians to accept less in state services, we must be able to assure all that they are getting the most from every dollar we spend on running state government.

Second, in making the hard choices to reduce programs and spending, we have tried to protect services as best we could for those who need us the most -- the children, the elderly and the disabled.

Third, we will refuse to allow the challenges of the present to prevent us from building Missouri's future.

And fourth and most important, we will keep as our first priority the education of our children.

We will provide full funding with full accountability for our K-12 public schools.

We should not rest until all our schools and all our students are performing at their maximum potential.

Because I know all of you share my belief that educating our children is our top priority, I ask your help in approving important legislation to achieve these goals.

Now, let's get to some specifics.

THE BUDGET

Last year I directed our state budget office to begin the most thorough review of the state budget ever conducted.

This performance-based review evaluates the results Missourians receive for their money in every program that our tax dollars fund.

Then I asked our departments to submit plans for how these programs would be changed if their funding was cut by 5, 10, and 15 percent.

This has allowed us to have the most thorough information ever compiled on Missouri state services.

And we have used this information to make the tough budget decisions that lie ahead.

The budget I am recommending today is smaller than the one you approved last year.

The amount of general revenue we have coming in is slowing down.

At the same time, costs for essential services and the population needing those services continue to grow.

Health care costs in Medicaid and for state employees are rising dramatically.

The largest increases are in the pharmacy programs as the cost of prescription drugs continues to escalate.

But if expenses and our served populations are going up and less money is coming in, then we must cut agency budgets.

As you know, we took dramatic steps to reduce state spending twice in 2001.

Altogether, we have reduced spending by \$612 million in the year since I took office.

Cuts in administrative costs have been deep -- from 15 to 30 percent in many places.

None of those were easy decisions.

And, unfortunately, all of those decisions together are not enough to keep us living within our means in the face of the deepening recession after September 11th.

The budget for fiscal year 2003 that I am proposing today is also filled with tough decisions.

Today, in order to balance the 2003 fiscal year budget, I am recommending \$480 million in core budget cuts.

These cuts demand that state government become smaller.

This new budget reduces the state work force by 688 positions.

Most of these will come from eliminating positions that are currently being held vacant.

We have agonized over this budget.

Our state budget staff and our department heads have provided many new ideas and innovative solutions to stretch our money as far as possible.

I thank them all for their efforts, which have been key to safeguarding vital public services.

Nevertheless, we remain in a position in which entire programs -- good programs -- will be eliminated.

Our state employees, who work so hard to deliver our state services, will go another year without a pay raise.

I regret that very much.

We value the work our state employees do on behalf of all Missourians, and we take actions that will affect their quality of life only as a last resort in these extremely challenging times.

And while I have made hard decisions, I am not willing to cut our budget so deeply that we leave our most vulnerable Missourians defenseless.

These are services that any just and humane society should provide to those less fortunate if at all possible -- such as psychiatric services for our mentally ill, support services for the mentally and developmentally disabled, and transportation for our seniors.

We must and will continue to meet these needs.

That is why I am calling on the General Assembly to authorize the release of \$135 million from the state's Rainy Day Fund so we do not put these

Missourians at risk.

Such services are not mandated by law.

But they are mandated by our conscience.

Although our rocky economic climate demands that we make substantial cuts, we are using what resources we have to accomplish a number of very worthwhile goals.

We will deliver the Senior Prescription Drug Program we promised our seniors when we passed legislation last year during special session.

We will protect our most vulnerable children by not reducing the number of child abuse and neglect workers.

We will improve our security against terrorism throughout the state.

We will keep our commitment to our farmers by continuing to support the expansion of ethanol production in Missouri.

Because inmate population growth demands it, we will open the prison in Bonne Terre.

We must ensure that all our prisons are properly staffed to protect the security of our citizens and the safety of our employees.

We will preserve funding for our 115 local health agencies, that are the frontline in the delivery of public health services.

And we will ensure that no child will lose health insurance coverage.

I am also asking the General Assembly to give us the authorization to bond against future tobacco revenues to provide an alternative to fund critical services.

Several states have already done this.

This means we will have the ability to take some of our settlement in one lump sum if we need it, rather than having it spread out over many years.

In the year since I took office, we have made many improvements in the efficiency and management of state government, and many more improvements are in progress.

To intensify this effort, I will ask both state employees and private citizens to join task forces that I will create to improve performance in key areas of state government.

These teams will develop action plans to streamline state government in each vital area before this current fiscal year is over.

I also call on you to give our department directors more flexibility in running their departments.

They have the most complete and up-to-date information about where resources can best be used and need additional flexibility to manage through the core cuts in this budget.

We are already doing more than ever before to make state officials accountable for results.

We need to give them the tools to get the job done.

Greater flexibility will enable them to focus resources on the area of most concern at any time -- whether that is expenses, equipment, or personnel.

I would also like to see the General Assembly take a more proactive approach to reviewing laws.

We need to ensure that both new legislation and existing state laws to fund programs are reviewed regularly.

Rather than allowing programs to live forever, I want these programs to "sunset" unless the legislature and the Governor decide that their value exceeds the cost to taxpayers.

EDUCATION

Even in tough economic times, the key to overcoming the challenges that lie ahead of us is to give our children the good education they deserve.

That's the one advantage no one can take away from you.

My parents believed that, and so do I.

They knew that with an excellent education, my brothers, my sister, and I would be better prepared for any obstacles that came our way and would have the opportunity for a better life.

Just as then, in today's challenging times, we must make it possible for our children's dreams to direct their destiny.

Linda, I was just at your school in Jackson a few weeks ago.

Who knows what other Linda Godwins are out there in our Missouri classrooms?

But they can only fulfill their dreams if we give them a world class education.

Because of Missouri's public education, Linda Godwin was able to reach for the stars.

Lori and I want that for our boys and every boy and girl in Missouri.

We should not, and I will not, shortchange our K-12 public schools.

My top priority this year is to provide the increased funding necessary to meet our commitment to Missouri's public schools.

So I am asking you, the members of the General Assembly, to join me in supporting a legislative funding package.

This package increases revenues paid to the state by riverboats, closes administrative loopholes in our tax system, maximizes lottery revenues, and creates a new means of maximizing our revenues during this fiscal year -- tax amnesty.

But with our state straining to get the most out of every dollar, our state funding for education must be linked to increased accountability.

In August 1992, Missourians voted to require all of the net proceeds of our state lottery to go completely to education.

To assure voters that their wishes are being followed and eliminate any question about it, I will ask our State Auditor to conduct an audit of all lottery and riverboat gaming proceeds annually.

This will include a complete review of all constitutional and statutory requirements that direct where proceeds are legally mandated to go.

This audit must be completed by the last day of December of every year.

Full funding tied to full accountability means full value for our investment.

The best way we can improve our schools is by enhancing accountability standards at the schools that are not performing as well as others, and cutting red tape for those schools that are doing well.

Recently, we unveiled my unprecedented plan.

It requires underperforming schools to map out a comprehensive strategy to correct problem areas.

They must do so to receive continued state funding.

My reforms will ensure that teachers and individual schools in these districts have the professional development tools at their disposal to do the best job.

I want our underperforming schools to target at least one of a range of reforms that have demonstrated that they improve student performance.

One of the following strategies, proven to be successful, has to be implemented in these schools:

- reduction of class size in problem areas to allow teachers more time for individual student attention;

- preschool and full-day kindergarten to enable young students to get off to a good start;
- the hiring of teacher specialists to provide additional attention to those subject areas where improvement is necessary to address poor achievement;
- after-school programs, summer school programs, and one-on-one tutoring to provide underperforming students with the help they need to improve their chances for success;
- and reduction of school size or the establishment of schools within schools or alternative schools to improve the learning environment.

In this way, each school can target a plan to address its own unique problems.

This is not a one-size-fits-all solution.

Local schools know better than we do here in Jefferson City what they need to do to improve their own students' performance.

Our mission will be to set the standards to ensure that local accountability leads to improved performance in these priority schools.

I ask for your help and support in this effort.

Because I believe these reforms are vital for Missouri's future.

Lori and I will be carrying this message to schools and communities all across our state over the next few months.

With these unparalleled reforms, we can make Missouri's public schools among the best in the nation.

We can shape the well-educated, productive work force that will ensure Missouri's future.

We cannot afford to be satisfied with anything less -- no more excuses.

SECURITY

After the death and destruction of September 11th, Missourians stepped up to meet the challenge of keeping our citizens safe.

We have refused to allow terrorist threats to disrupt our way of life.

We must now go about our business with new safeguards in place to protect the security of all Missourians.

We want to do all that we can to be prepared for any future acts of terrorism.

I am proud that Missouri is being held up as a model state in the way we responded to the events of September 11th.

We were the first state to appoint a cabinet level Special Advisor on Homeland Security to coordinate our state security efforts.

And I want to congratulate Colonel Tim Daniel for the great job he is doing.

Colonel Daniel, would you please stand so we can acknowledge you for your work.

Another individual who is responsible for the high marks we are receiving after September 11th is our Director of Health and Senior Services, Dr. Maureen Dempsey.

We are the only state to establish an agreement between our Department of Health and Senior Services and the FBI to investigate possible criminal actions where chemical or biological agents are present.

And I want to commend Dr. Dempsey for her fine work.

Dr. Dempsey, would you please stand.

We were among the first states in the nation to appoint a State Security Panel to assess our security needs.

I look forward to reviewing their recommendations in two days, and I will be recommending new legislation this year based on their ideas.

As you know, I have already proposed several initiatives.

We must make it a felony crime to make false terrorist threats.

And we must make those who try to take advantage of Missourians with price gouging during state emergencies pay dearly for this abuse.

And I have made certain that everyone understands that our new state health lab, which is sorely needed, is moving forward as planned and on schedule.

Construction will begin as originally planned in 2003.

After studying our Missouri Security Panel's report thoroughly, I will urge you to support appropriate changes to our criminal codes and public health laws to protect our citizens.

I want Missouri to send a clear message that we will not tolerate assaults on our democracy.

We will not be bullied.

We will not be threatened.

We will not be stopped.

CONCLUSION

We as a nation are still in the process of overcoming the challenges left in the aftermath of September 11th.

But sometimes our challenges go beyond the personal.

As we have seen so dramatically in the months since September 11th, sometimes we are called upon to meet great challenges from without, as well as from within.

One of those people who has been directly involved with those efforts in New York is the Missourian who is with me today.

Dante Glinecki, who works at our State Emergency Management Agency, has a special skill that is very much needed in times of terrible disaster.

At such times everyone, everywhere, wants to offer food, clothing, and other help.

Delivering those goods in a timely and effective way to those who need them is a tremendous challenge.

Without a system to match relief with recipients, the good intentions and donations of millions can quickly go to waste.

From his organizational relief work during the Missouri floods and similar assistance in other state emergency situations, Dante gained a national reputation as one of the leading authorities in this area.

So when disaster struck in New York, they called for him by name.

And, of course, he went.

Dante not only played a key role in helping the New York recovery efforts, but also had the opportunity to witness, in a very personal way, the victory we have experienced as a democracy following September 11th.

He saw that those who sought to bring us down actually lifted us up.

He saw Americans come together after those horrible events to reaffirm the strength of our democracy.

He proudly represented all of us in New York, and we are proud of him.

Please join me in saluting Dante Glinecki.

Dante, would you please stand.

Dante demonstrated the resolve of all Missourians in responding to a dramatic challenge.

In my first year as Governor, I have seen that same resolve in so many Missourians who make a difference for all of us every day.

One of the programs I initiated in our schools after September 11th was a program called Adopt-A-Hero.

I wanted our schoolchildren to be more aware of how many wonderful role models are right there among them.

I called on them to pick someone out of their community who was making a significant difference in other people's lives.

Many schools responded.

Many heroes have been named.

Dante was adopted by Scullin Elementary School in St. Louis.

And there are many more.

There is the fifth-grader who saved his birthday and allowance money to buy a wheelchair for a 7-year-old boy from Turkey.

There is the retired teacher who returned to the classroom full-time when the teacher of a fourth-grade class was shot and killed at a shopping mall.

There are the firefighter and the police officer who give so much of their time working to improve the safety of their local schools.

Several of these heroes are with us today along with some of the students who adopted them.

I'd like them to stand up in the back gallery so we can give them a proper welcome.

All across this great state, Missourians are working together to make a difference...overcoming challenges every day.

Today, you have met many Missouri heroes who are leading by example.

As we strive to meet the challenges of the coming year, we in this chamber also must lead by example.

We have demonstrated we can.

We proved it just last year with our women's health initiative and senior prescription drug relief bill, when we put politics aside to do what is right for Missouri.

Now, in this difficult budget year, working together is more important than ever.

Many of you are sitting in these chambers for your last session -- 73 in the House and 12 in the Senate.

On behalf of Missourians everywhere, I want to thank you for your dedicated public service.

But I also call on you to make these final days of service truly matter.

Let this session be your finest hour.

There is much we can accomplish.

I've lived through hard times.

And many of you and your families have lived through hard times, too.

But we never let it get the best of us.

I didn't then, and I'm not about to now.

Certainly, the challenges we are facing today will test us.

But by overcoming them, we become stronger.

We can make Missouri better by working smarter and harder.

Let's roll up our sleeves and get started.

Let's meet the challenges head on.

Let's get the job done.

And let's do it in a way that will make Missourians proud.

Thank you.

On motion of Senator Kenney, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Cauthorn.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 963, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William R. Leach, Sr., Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 964, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Waugh, Jr., Lee's Summit, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, Roslyn Morgan, Betty Thomas and Lavada Morgan, St. Louis.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. James A. Schell, St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TENTH DAY-THURSDAY, JANUARY 24, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 911-Foster, et al

SB 912-Mathewson

SB 913-Rohrbach

SB 914-Jacob

SB 915-Westfall, et al

SB 916-Dougherty, et al

SB 917-Dougherty and Sims

SB 918-Klarich

SB 919-Klarich

SB 920-Caskey

SB 921-Sims, et al

SB 922-Sims

SB 923-Sims

SB 924-Sims

SB 925-Sims and Dougherty

SB 926-Kenney, et al

SB 929-Stoll

SB 930-Stoll

SB 931-Klarich

SB 932-Klarich

SB 933-Yeckel

SB 934-Foster and Cauthorn

SB 935-Foster and Cauthorn

SB 936-Foster

SB 937-Foster

SB 938-Cauthorn, et al

SB 939-Wiggins and DePasco

SB 940-Wiggins, et al

SB 941-DePasco

SB 942-Schneider, et al

SB 943-Schneider

SB 944-Goode and Schneider

SB 945-Stoll

SB 946-Jacob and Wiggins

SB 947-Klindt and Stoll

SB 948-Cauthorn, et al

SB 949-Bentley

SB 950-Gibbons and Klarich

SB 951-Loudon

SB 952-Loudon

SB 954-Loudon

SB 956-Loudon

SB 957-Loudon, et al

SB 959-Kenney and Kinder

SB 960-Kenney, et al

SB 961-Wiggins, et al

SB 962-Wiggins

SB 963-DePasco

SB 964-DePasco

SB 965-Stoll

SB 966-Kennedy

SB 967-Kennedy, et al

SB 968-Westfall and Childers

SB 969-Westfall and Bentley

SB 970-Westfall, et al

SB 971-Klindt, et al

SB 972-Klindt, et al

SB 973-Klindt, et al

SB 974-Childers and Westfall

SB 976-Steelman, et al

SB 977-Quick

SB 979-Singleton

SB 980-Singleton and Schneider

SB 981-Westfall

SB 982-Kennedy

SB 983-Sims and Kennedy

SB 984-Steelman

SB 985-Steelman

SB 986-Steelman

SB 987-Childers

SB 988-Caskey

SB 989-Caskey

SB 990-Cauthorn, et al

SB 991-Kinder

SB 992-Johnson

SB 993-Rohrbach

SB 994-Rohrbach

SB 995-Rohrbach

SB 996-Quick

SB 997-Quick

SB 998-Staples

SB 999-Rohrbach

SB 1000-Dougherty

SB 1001-Mathewson

SB 1002-Mathewson

SB 1003-Steelman

SB 1004-Loudon

SB 1005-Loudon

SB 1006-Loudon, et al

SB 1007-Stoll

SB 1008-Stoll

SB 1009-Rohrbach

RESOLUTIONS

To be Referred

SCR 38-Klarich

Journal of the Senate

SECOND REGULAR SESSION

TENTH DAY--THURSDAY, JANUARY 24, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Worship the Lord in holy splendor; tremble before him, all the earth." (Psalm 96:9)

Almighty God, we thank You for this day and our being called to serve and follow Your leading. Bless us in the work we bring to a close for this week and instill in us to study Your word and share our faith with those we love as we travel back to those You have given to us to care for. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Dougherty--1			
Vacancies--1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 965, regarding Thomas M. Hodges, DDS, Mexico, which was adopted.

Senator Gibbons offered Senate Resolution No. 966, regarding Weldon W. Nebel, Kirkwood, which was adopted.

Senator House offered Senate Resolution No. 967, regarding Ed Watkins, St. Louis, which was adopted.

Senator Cauthorn offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 968

WHEREAS, the members of the Missouri Senate occasionally pause in their diverse legislative endeavors in order to recognize those individuals with ties to the Show-Me State who have developed and maintained exemplary reputations down through the years for the quality of their endeavors in health care professions; and

WHEREAS, Thomas M. Hodges, DDS, of Mexico, Missouri, has distinguished himself as the holder of a License from the Missouri Dental Board for a period of Fifty Years; and

WHEREAS, on Thursday, January 24, 2002, Thomas Hodges will be the recipient of well-deserved honors and accolades as a guest of the Missouri State Legislature in the Chamber of the Missouri Senate; and

WHEREAS, sponsored by the Missouri Dental Board, the public recognition ceremony in the Missouri Senate will express the gratitude and respect of the entire state for a healing career which has spanned Fifty Years and improved the lives of countless citizens; and

WHEREAS, during the past five decades as a Dentist licensed by the Missouri Dental Board, Thomas Hodges has garnered a wealth of knowledge and skills which he has applied to the diligent preventive care and repair of his patient's teeth and gums which are so essential for good health and nutrition; and

WHEREAS, as a licensee of the Missouri Dental Board, Thomas Hodges has participated in a long tradition of professionalism and oversight which dates to the creation of the Board by the General Assembly in 1897 and its transfer to the Division of Professional Registration by the Omnibus State Reorganization Act of 1974 as a means of regulating this important aspect of health care and ensuring that the highest standards of general and specialty services are practiced:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the Golden Anniversary of the registration of Thomas Hodges as a license holder with the Missouri Dental Board and to convey to him this legislative body's heartiest commendation for his stellar professional labors in the field of dentistry and our warmest regards and best wishes for continued personal successes; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the exceptional dental career of Thomas M. Hodges, DDS, of Mexico, Missouri.

Senator Sims offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 969

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental and citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Girl Scouts - Heart of Missouri Council which has established a council wide program for Junior Girl Scouts to work on the Model Citizen award; and

WHEREAS, the Model Citizen award deals with the rights and responsibilities that come with being a citizen of the United States and the state of Missouri, as well as policies, laws, and legislative procedures:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Girl Scouts-Heart of Missouri Council be hereby granted permission to use the Senate Chamber for its Model Citizen award program on Saturday, June 1, 2002, from 8:00 a.m. to 12:00 p.m.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 970

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of James W. Brothers of Kansas City; and

WHEREAS, Mr. Brothers, a native of Quincy, Illinois, graduated from McCooey High School in Hannibal, Missouri, and later attended the University of Missouri in Columbia; and

WHEREAS, Mr. Brothers served his country in the United States Army and had a lifetime career in the field of insurance, retiring from Marsh and McLennan, Inc.; and

WHEREAS, Mr. Brothers was a long time faithful member of St. Thomas More Catholic Church, was a volunteer at St. Joseph Health Center, was an election judge for the City of Kansas City, and an enthusiastic participant in Public Links Senior Golf; and

WHEREAS, Mr. Brothers was a long time personal friend and supporter, sometimes golf companion, of our colleague, the current Senator from the 10th District, Senator Harry Wiggins, who is anxious to honor his old friend in the annals of the history of Missouri by this Resolution, and who held his old friend in highest esteem for many reasons, not the least of which was Mr. Brothers' lifelong dedication to conservation, to parks and to preserving the great outdoors for future generations:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of Mr. James W. Brothers, outstanding Kansas Citian, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City, to the University of Missouri, and to the entire State of Missouri, and express to his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his son, Jim F. Brothers, daughters Maureen, JoEllen and Peggy Brothers Dodge, two sisters, Sr. Marie Vincent, S.S.N.D. and Sr. Marie Kevin, S.S.N.D.

On behalf of Senator Dougherty, Senator Quick offered Senate Resolution No. 971, regarding Bill Kohn, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 39

Recognizing the Northern Cherokee Indian People of Missouri.

WHEREAS, the Northern Cherokee Indian people are descendants of the Cherokee Nation; and

WHEREAS, the Northern Cherokee settled in Missouri rather than in Indian territory; and

WHEREAS, the Northern Cherokee citizens of Missouri have represented our state in the armed services through several wars; and

WHEREAS, they are very much a part of the state's history and its future; and

WHEREAS, they have continued a form of tribal government for the past 140 years, and in 1979, wrote a constitution and by-laws creating a new and working tribal organization into the state of Missouri in 1982; and

WHEREAS, recognition by the state of Missouri confers certain benefits upon the Northern Cherokee Indian people:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the Northern Cherokee Indians; and

BE IT FURTHER RESOLVED that this recognition is in no way intended to aid in any way in enabling establishment of any tribal casinos or in earning gaming approval of any kind, and if so used this resolution is of no force and effort; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Sims offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 40

WHEREAS, there are more than 33,000 jobs in the motor vehicle and equipment manufacturing industry in Missouri; and

WHEREAS, the most recent figures for complete employment and wage data reveal a contribution of more than one and three-quarter billion dollars to the Missouri economy; and

WHEREAS, the state of Missouri has enjoyed a long-term partnership and mutually supportive relationship with Ford Motor Company; and

WHEREAS, this relationship began in 1907 with the opening of a sales and stock operation in St. Louis, the opening of a Ford plant in 1911 in Kansas City followed by the establishment of a Ford Model T plant in St. Louis in 1914; and

WHEREAS, the state of Missouri has long recognized the need for keeping Fords' work force as skilled and productive as possible and thus over the past decade has provided more than twenty-four million dollars in job training funds for the company in Missouri; and

WHEREAS, for more than 40 years, St. Louis had been one of the principal manufacturing satellites of Ford Motor Company; and

WHEREAS, St. Louis holds the distinction as the only metropolitan area outside Michigan with plants from all of the Big Three automakers; and

WHEREAS, Ford Motor Company has announced it will close its plant in Hazelwood by the middle of this decade, eliminating 2,640 jobs; and

WHEREAS, workers at the Hazelwood plant generate an annual payroll of approximately \$165 million; and

WHEREAS, industry analysts rate the Explorer, made in Hazelwood, as the nation's top-selling sport utility vehicle; and

WHEREAS, reports by Harbour & Associates, Inc., of Troy, Michigan, which list Hazelwood as the fourth most efficient auto plant in the nation; and

WHEREAS, an auto plant has a substantial ripple effect on the surrounding economy, including the plant's need for parts and services, each Ford job supports three and a half other jobs in the area, pumping approximately \$2.6 billion, directly and indirectly, into the St. Louis economy each year:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, support the assembly by the Governor of the Task Force on the Ford-Hazelwood Retention and direct the Task Force to immediately develop and execute a strategic plan to obtain the continued occupation and operation of the Hazelwood Ford Assembly Plant by Ford Motor Company; and

BE IT FURTHER RESOLVED that we most strongly urge the owners, executives and board of directors of Ford Motor Company to rescind their decision and work with the State of Missouri to find a mutually beneficial alternative to the closing of the Hazelwood plant; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the owners, executives and board of directors of Ford Motor Company.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1010-By Sims.

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710 and 313.720, RSMo, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

SB 1011-By Caskey.

An Act to repeal section 260.270, RSMo, and to enact in lieu thereof one new section relating to waste tires, with penalty provisions.

SB 1012-By Caskey.

An Act to repeal section 8.231, RSMo, relating to guaranteed energy cost savings contracts, and to enact in lieu thereof one new section relating to the same subject.

SB 1013-By Steelman and Stoll.

An Act to amend chapter 393, RSMo, by adding thereto six new sections relating to transfers of electrical corporations.

SB 1014-By Klindt and Kinder.

An Act to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675, 28.678 and 28.681, RSMo, relating to the uniform electronic transactions act, and to enact in lieu thereof seventeen new sections relating to the same subject.

SB 1015-By Foster and Mathewson.

An Act to repeal section 253.080 and 253.082, RSMo, relating to state parks, and to enact in lieu thereof four new sections relating to the same subject.

SB 1016-By Foster, Cauthorn, Westfall and Klindt.

An Act to repeal sections 414.012, 414.032, 414.042, 414.052, 414.072, 414.073, 414.082, 414.112 and 414.122, RSMo, and to enact in lieu thereof ten new sections relating to blended fuels.

SB 1017-By Cauthorn.

An Act to repeal section 67.1003, RSMo, relating to transient guest tax, and to enact in lieu thereof one new section relating to the same subject.

SB 1018-By Westfall.

An Act to repeal section 578.395, RSMo, relating to ticket scalping, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 1019-By Stoll.

An Act to repeal section 318.100, RSMo, relating to licensing requirements, and to enact in lieu thereof one new section relating to the same subject.

SB 1020-By Stoll, Dougherty, Kennedy, DePasco, Wiggins and Schneider.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating solely to the creation of an earned income tax credit.

SB 1021-By Wiggins.

An Act to repeal sections 435.012, 435.014, 435.350, 435.355, 435.360, 435.365, 435.370, 435.375, 435.380, 435.385, 435.390, 435.395, 435.400, 435.405, 435.410, 435.415, 435.420, 435.425, 435.430, 435.435, 435.440, 435.445, 435.450, 435.455, 435.460, 435.465, and 435.470, RSMo, and to enact in lieu thereof thirty-two new sections relating to arbitration, with an effective date for the repeal of certain sections.

SB 1022-By Rohrbach and Goode.

An Act to repeal section 565.030, RSMo, and to enact in lieu thereof one new section relating to first degree murder.

SB 1023-By Bentley.

An Act to repeal section 135.530, RSMo, relating to tax credits for distressed communities, and to enact in lieu thereof one new section relating to the same subject.

SB 1024-By Bentley.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to medical records.

SB 1025-By Jacob and Wiggins.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to a moratorium on new billboard construction, with an emergency clause and a termination date.

SB 1026-By Kenney, Singleton, Sims, Steelman, DePasco and Wiggins.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage.

SB 1027-By Kinder, Cauthorn, Klindt and Gross.

An Act to repeal section 21.750, RSMo, relating to rights of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Sheila S. Dullum, Maria Perron and Shelley L. Burns, as members of the Child Abuse and Neglect Review Board;

Also,

Victoria A. Horst and Christel H. Johnson, as members of the Advisory Commission for Professional Physical Therapists;

Also,

James R. Asahl, Errol Bush, Charles Ray Jackson and Barbara Gulick, as members of the Advisory Committee for 911 Service Oversight;

Also,

Gail Brown-Rozelle, Mary K. Matalone and Linda M. Prewitt, as members of the Advisory Committee on Lead Poisoning;

Also,

J. Keith Nisbett, Ph.D., as a member of the Amusement Ride Safety Board;

Also,

Charles Ward Bond, Charles C. Jensen, Sammy Lee Page and Jacquelyn Moore, as members of the Commission for the Missouri Senior Rx Program;

Also,

Roslyn Morgan, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Barbara Adelman and Richard Freuh, as members of the Dam and Reservoir Safety Council;

Also,

Elmo Shaw and Donald R. Wilson, D.V.M., as members of the Missouri Ethanol and Other Renewable Fuel Sources Commission;

Also,

Carolyn Y. Mitchell-Pegue, as a member of the Missouri Fire Education Commission;

Also,

David A. Pennington, as a member of the Missouri Fire Safety Advisory Board;

Also,

Tracy Maria Reed, D.P.M., and Rick A. Martin, M.D., as members of the Missouri Genetic Advisory Committee;

Also,

Terry Butler, Bradley Freeman, Douglas E. Mitchell and Stephen A. Jordan, Ph.D., as members of the Missouri Head Injury Advisory Council;

Also,

Bryan L. Forbis, as a member of the Public Service Commission;

Also,

Keith F. Fuller, as Supervisor of the Division of Liquor Control.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 651**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 662** and **SB 704**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 660**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 650**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 958** and **SB 657**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 668**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 659**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rohrbach assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1028-By Russell.

An Act to repeal section 67.1866, RSMo, and to enact in lieu thereof one new section relating to law enforcement districts.

SB 1029-By Sims.

An Act to repeal sections 197.317, 197.318, 198.015 and 198.022, RSMo, relating to certificate of need, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 1030-By Kennedy.

An Act to repeal section 59.800, RSMo, relating to the statutory county recorder's fund, and to enact in lieu thereof one new section relating to the same subject.

SB 1031-By Schneider.

An Act to repeal sections 536.010, 536.063, 536.067, 536.070, 536.073, 536.077, 536.080, 536.083, 621.015, 621.045 and 621.100, RSMo, relating to the administrative hearing procedures, and to enact in lieu thereof nine new sections relating to the same subject, with an effective date.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 696** to the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 38--Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 911--Pensions and General Laws.

SB 912--Local Government and Economic Development.

SB 913--Pensions and General Laws.

SB 914--Education.

SB 915--Transportation.

SB 916--Judiciary.

SB 917--Aging, Families and Mental Health.

SB 918--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 919--Commerce and Environment.

SB 920--Pensions and General Laws.

SB 921--Transportation.

SB 922--Civil and Criminal Jurisprudence.

SB 923--Aging, Families and Mental Health.

SB 924--Public Health and Welfare.

SB 925--Transportation.

SB 926--Commerce and Environment.

SB 929--Public Health and Welfare.

SB 930--Transportation.

SB 931--Judiciary.

SB 932--Judiciary.

SB 933--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 934--Education.

SB 935--Education.

SB 936--Education.

SB 937--Education.

SB 939--Pensions and General Laws.

SB 940--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 941--Commerce and Environment.

SB 942--Judiciary.

SB 943--Insurance and Housing.

SB 944--Education.

SB 945--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 946--Transportation.

SB 947--Education.

SB 948--Pensions and General Laws.

SB 949--Education.

SB 950--Transportation.

SB 951--Public Health and Welfare.

SB 952--Labor and Industrial Relations.

SB 954--Labor and Industrial Relations.

SB 956--Insurance and Housing.

SB 957--Transportation.

SB 959--Commerce and Environment.

SB 960--Transportation.

SB 961--Pensions and General Laws.

SB 962--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 963--Ways and Means.

SB 964--Commerce and Environment.

SB 965--Civil and Criminal Jurisprudence.

SB 966--Transportation.

SB 967--Insurance and Housing.

SB 968--Transportation.

SB 969--Civil and Criminal Jurisprudence.

SB 970--Transportation.

SB 971--Commerce and Environment.

SB 972--Agriculture, Conservation, Parks and Tourism.

SB 973--Commerce and Environment.

SB 974--Agriculture, Conservation, Parks and Tourism.

SB 976--Public Health and Welfare.

SB 977--Financial and Governmental Organization, Veterans' Affairs and Elections.

COMMUNICATIONS

Pursuant to the provisions of Section 226.133, RSMo, the Missouri Department of Transportation has presented to the General Assembly its proposed plan and an analysis thereof. A copy is on file in the office of the Secretary of Senate.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Joanne C. Crevoiserat, St. Louis.

Senator Cauthorn introduced to the Senate, Diane Henage, Barry Knipfel, Wilma Johnson and Tawnya Thilmoney, Audrain County.

Senator Stoll introduced to the Senate, dental professionals from across the state.

Senator Kinder introduced to the Senate, Dr. and Mrs. Dan B. Cotner, DDS, and Dr. Danna P. Cotner, DDS, Cape Girardeau.

Senator Wiggins introduced to the Senate, Dr. Claron P. Western, DDS, Kansas City.

Senator Cauthorn introduced to the Senate, Dr. Thomas M. Hodges, DDS, and Bruce and Robert Hodges, Mexico.

Senator Klindt introduced to the Senate, Dr. R.L. (Sye) Hinkle, DDS, and the McCall family, Bethany.

Senator Kennedy introduced to the Senate, Dr. Edward Croghan, DDS, St. Louis.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jim Jones, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, January 28, 2002.

SENATE CALENDAR

ELEVENTH DAY-MONDAY, JANUARY 28, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 938-Cauthorn, et al

SB 979-Singleton

SB 980-Singleton and Schneider

SB 981-Westfall

SB 982-Kennedy

SB 983-Sims and Kennedy

SB 984-Steelman

SB 985-Steelman

SB 986-Steelman

SB 987-Childers

SB 988-Caskey

SB 989-Caskey

SB 990-Cauthorn, et al

SB 991-Kinder

SB 992-Johnson

SB 993-Rohrbach

SB 994-Rohrbach

SB 995-Rohrbach

SB 996-Quick

SB 997-Quick

SB 998-Staples

SB 999-Rohrbach

SB 1000-Dougherty

SB 1001-Mathewson

SB 1002-Mathewson

SB 1003-Steelman

SB 1004-Loudon

SB 1005-Loudon

SB 1006-Loudon, et al

SB 1007-Stoll

SB 1008-Stoll

SB 1009-Rohrbach

SB 1010-Sims

SB 1011-Caskey

SB 1012-Caskey

SB 1013-Steelman and Stoll

SB 1014-Klindt and Kinder

SB 1015-Foster and Mathewson

SB 1016-Foster, et al

SB 1017-Cauthorn

SB 1018-Westfall

SB 1019-Stoll

SB 1020-Stoll, et al

SB 1021-Wiggins

SB 1022-Rohrbach and Goode

SB 1023-Bentley

SB 1024-Bentley

SB 1025-Jacob and Wiggins

SB 1026-Kenney, et al

SB 1027-Kinder, et al

SB 1028-Russell

SB 1029-Sims

SB 1030-Kennedy

SB 1031-Schneider

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS

SBs 662 & 704-Westfall,

with SCS

SB 660-Westfall, et al,

with SCS

SB 650-Singleton, et al

SBs 958 & 657-Kinder,

with SCS

SB 668-Bentley

SB 659-House and Kenney

RESOLUTIONS

To be Referred

SCR 39-Caskey

SCR 40-Sims

Journal of the Senate

SECOND REGULAR SESSION

ELEVENTH DAY--MONDAY, JANUARY 28, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"If any of you is lacking in wisdom, ask God, who gives to all generously and ungrudgingly, and it will be given to you." (James 1:5)

Gracious God, speak through us every day so we let Your words speak volumes to those who depend on us to meet the various needs within this state. Give to us wisdom to follow You faithfully and to use this wisdom to help those we meet each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 24, 2002, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senators--None			
Vacancies--1			

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 972, regarding Linda Melkersman, New Madrid County, which was adopted.

Senator Kinder offered Senate Resolution No. 973, regarding David D. Thorne, Sikeston, which was adopted.

Senator Westfall offered Senate Resolution No. 974, regarding the death of Donald Seneker, Mt. Vernon, which was

adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1032-By Childers.

An Act to amend chapter 447, RSMo, by adding thereto one new section relating to unclaimed property.

SB 1033-By Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to public school beautification programs.

SB 1034-By Kennedy.

An Act to repeal section 171.021, RSMo, relating to daily recitation of the Pledge of Allegiance to the flag of the United States of America, and to enact in lieu thereof two new sections relating to the same subject.

SB 1035-By Yeckel.

An Act to repeal sections 105.473, 105.475, 105.477, 105.961, 130.011, 130.016, 130.021, 130.031, 130.041, 130.046, 130.049, 130.050, 130.056 and 130.081, RSMo, and to enact in lieu thereof fourteen new sections relating to ethics, with penalty provisions.

SB 1036-By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to property taxation.

SB 1037-By Singleton and Sims.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic control enforcement systems, with penalty provisions.

SB 1038-By DePasco.

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to the establishment of the electronic government services act.

SB 1039-By DePasco.

An Act to repeal section 99.134, RSMo, relating to municipal housing authority commissioners, and to enact in lieu thereof one new section relating to the same subject.

SB 1040-By Gibbons, Gross, Loudon and Yeckel.

An Act to repeal sections 100.010, 100.040, 100.050, 100.105 and 100.180, RSMo, relating to industrial development, and to enact in lieu thereof six new sections relating to the same subject.

SB 1041-By Russell.

An Act to authorize the conveyance of property owned by the department of natural resources to private ownership.

SB 1042-By Bland.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to energy cost assistance, with an emergency clause.

SB 1043-By Bland.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state historic sites, with an emergency clause.

SB 1044-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandatory coverage for hospital stays following surgery.

SB 1045-By Bland.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to economic development in certain economically depressed areas.

SB 1046-By Gross and House.

An Act to repeal sections 92.045, 305.510 and 305.515, RSMo, relating to the Missouri-St. Louis metropolitan airport authority, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

SB 1047-By Kenney.

An Act to repeal sections 197.305, 197.317 and 197.318, RSMo, relating to certificate of need, and to enact in lieu thereof three new sections relating to the same subject.

SB 1048-By Kenney.

An Act to repeal section 304.027, RSMo, and to enact in lieu thereof one new section relating to the spinal cord injury fund.

SB 1049-By Stoll and Johnson.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to department of transportation employees' annual leave.

SB 1050-By Foster.

An Act to repeal section 162.431, RSMo, relating to school district boundary changes, and to enact in lieu thereof one new section relating to the same subject.

SB 1051-By Foster.

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the incidental fund.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 24, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kevin N. Callaway, 5601 Valley View Drive, St. Joseph, Buchanan County, Missouri 64503, as a student representative of the Board of Regents for Missouri Western State College, for a term ending May 1, 2003, and until his successor is duly appointed and qualified; vice, Taylor C. Crouse, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 24, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Vicki M. Eller, 609 East 10th Street, Rolla, Phelps County, Missouri 65401, as a student representative of the Board of Curators for University of Missouri, for a term ending May 1, 2003, and until her successor is duly appointed and qualified; vice, Steven T. Sugg, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 24, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Laura E. Hockensmith, 428 Redwood Forest Drive, Manchester, St. Louis County, Missouri 63021, as a student representative of the Board of Regents for Southeast Missouri State University, for a term ending May 1, 2003, and until her successor is duly appointed and qualified; vice, Douglas McDermott, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 24, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Micah McKay, 2301 North Six Mile Church Road, Independence, Jackson County, Missouri 64058, as a student representative of the Board of Governors for Truman State University, for a term ending May 1, 2003, and until his successor is duly appointed and qualified; vice, Rudy J. Arredondo, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 979--Education.

SB 980--Public Health and Welfare.

SB 981--Insurance and Housing.

SB 982--Ways and Means.

SB 983--Pensions and General Laws.

SB 984--Commerce and Environment.

SB 985--Commerce and Environment.

SB 986--Pensions and General Laws.

SB 987--Local Government and Economic Development.

SB 988--Local Government and Economic Development.

SB 989--Local Government and Economic Development.

SB 990--Agriculture, Conservation, Parks and Tourism.

SB 991--Pensions and General Laws.

SB 992--Local Government and Economic Development.

SB 993--Local Government and Economic Development.

SB 994--Pensions and General Laws.

SB 995--Insurance and Housing.

SB 996--Local Government and Economic Development.

SB 997--Local Government and Economic Development.

SB 998--Commerce and Environment.

SB 999--Ways and Means.

SB 1000--Public Health and Welfare.

SB 1001--Pensions and General Laws.

SB 1002--Civil and Criminal Jurisprudence.

SB 1003--Insurance and Housing.

SB 1004--Insurance and Housing.

SB 1005--Labor and Industrial Relations.

SB 1006--Civil and Criminal Jurisprudence.

SB 1007--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1008--Commerce and Environment.

SB 1009--Insurance and Housing.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 39--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SCR 40** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 38**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 758**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 720**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Trans-portion, to which was referred **SB 644**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 701**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 737**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 745**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Develop-ment, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 669**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 636**,

begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 726**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 896**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

On behalf of Senator Gross and himself, Senator House introduced to the Senate, Jerry Reese and Dennis Black, St. Charles.

Senator Kenney introduced to the Senate, Jean Ehlmann, St. Charles.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY-TUESDAY, JANUARY 29, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 938-Cauthorn, et al

SB 1010-Sims

SB 1011-Caskey

SB 1012-Caskey

SB 1013-Steelman and Stoll

SB 1014-Klindt and Kinder

SB 1015-Foster and Mathewson

SB 1016-Foster, et al

SB 1017-Cauthorn

SB 1018-Westfall

SB 1019-Stoll

SB 1020-Stoll, et al

SB 1021-Wiggins

SB 1022-Rohrbach and Goode

SB 1023-Bentley

SB 1024-Bentley

SB 1025-Jacob and Wiggins

SB 1026-Kenney, et al

SB 1027-Kinder, et al

SB 1028-Russell

SB 1029-Sims

SB 1030-Kennedy

SB 1031-Schneider

SB 1032-Childers

SB 1033-Kennedy

SB 1034-Kennedy

SB 1035-Yeckel

SB 1036-Yeckel

SB 1037-Singleton & Sims

SB 1038-DePasco

SB 1039-DePasco

SB 1040-Gibbons, et al

SB 1041-Russell

SB 1042-Bland

SB 1043-Bland

SB 1044-Bland

SB 1045-Bland

SB 1046-Gross & House

SB 1047-Kenney

SB 1048-Kenney

SB 1049-Stoll and Johnson

SB 1050-Foster

SB 1051-Foster

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS

SBs 662 & 704-

Westfall, with SCS

SB 660-Westfall, et al,

with SCS

SB 650-Singleton, et al

SBs 958 & 657-Kinder,

with SCS

SB 668-Bentley

SB 659-House and Kenney

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 758-Bentley

SB 720-Westfall

SB 644-Mathewson and Yeckel

SB 701-Wiggins

SB 737-Cauthorn and

Russell, with SCS

SB 745-Russell, with SCS

SB 669-Bentley, with SCS

SB 636-Wiggins

SB 726-Childers

SB 896-Yeckel

RESOLUTIONS

Reported from Committee

SCR 38-Klarich

Journal of the Senate

SECOND REGULAR SESSION

TWELFTH DAY--TUESDAY, JANUARY 29, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"There will be no gloom for those who were in anguish...they rejoice before you as with the joy at the harvest." (Isaiah 9:1,3b)

Heavenly Father, we know that Isaiah wrote those words of joyful hope in one of the darkest times of Israel's history; and we know that we who love You, no matter what the circumstances we are going through or facing now, are a people of hope. So we pray for this joy that we may face this new day and the challenges it brings with hopeful hearts, walking the path that You lead us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 975, regarding the Kansas City Ballet, which was adopted.

Senator Wiggins offered Senate Resolution No. 976, regarding the deaths of Dr. and Mrs. Wallace Paxton McKee, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 977, regarding the death of Donnie Ann Granier Clapp, Raytown, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 978

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for beneficial purposes; and

WHEREAS, this year, the Jefferson City Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the State Capitol where students in attendance will be addressed by a representative of each of the three branches of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, hereby grant the Jefferson City Downtown Rotary Club permission to use the Senate Chamber for the purpose of conducting its Student Government Day on Monday, March 25, 2002, from 9:00 a.m. until 12:00 noon.

Senator Rohrbach offered Senate Resolution No. 979, regarding Scott L. Page, Tipton, which was adopted.

CONCURRENT RESOLUTIONS

Senator Rohrbach offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, the State of Missouri is currently facing unique rural and urban primary care workforce issues, including a significant imbalance between the primary care and specialty care workforce in our urban areas and a shortage of traditional primary health care workforce in our state's rural areas; and

WHEREAS, there exists a need for a study on access for Missourians to the health care provider market in the state and the recommendation of specific legislative or enforcement initiatives to insure ample choice for Missouri citizens and to insure affordable health care in the State of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Primary Care Workplace Adequacy in Missouri; and

BE IT FURTHER RESOLVED that such Committee shall examine the rural and urban primary care workforce issues facing the State of Missouri, examine the imbalance between primary care and specialty care in the urban areas and its effect on the cost and access to health care, examine the issue of primary care shortage in the rural areas and its effect on the cost and access to health care in the rural areas, examine current Department of Health and Senior Services programs which support primary care training and make recommendations for its modification and enhancement as needed; and

BE IT FURTHER RESOLVED that said Committee shall be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that Senate Research, the Committee on Legislative Research, and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1052-By Sims.

An Act to repeal sections 198.006, 198.015 and 198.073, RSMo, relating to assisted living facilities, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 1053-By Bentley.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to early childhood education incentives.

SB 1054-By Steelman.

An Act to repeal sections 204.250, 204.251, 204.252, 204.253, 204.254, 204.255, 204.256, 204.257, 204.260, 204.270, 204.280, 204.310, 204.331, 204.332, 204.350, 204.360, 204.440, 204.450, 204.455, 204.565, 204.567, 204.569, 204.571, 204.573, 393.015 and 393.847, RSMo, relating to sewer districts, and to enact in lieu thereof twenty-four new sections relating to the same subject.

SB 1055-By Cauthorn, Klindt and Loudon.

An Act to amend chapter 192, RSMo, by adding thereto four new sections relating to establishing an unrelated donor umbilical cord blood bank.

SB 1056-By Cauthorn, Kennedy and Loudon.

An Act to repeal section 188.039, RSMo, relating to informed consent for abortion, and to enact in lieu thereof one new section relating to the same subject.

SB 1057-By Cauthorn.

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to asbestos litigation.

SB 1058-By Childers.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax exemptions for railway excursions that traverse state lines and operate on railroads which are part of the national transportation system.

SB 1059-By Bentley, Stoll, House, Yeckel and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to designating and addressing the needs of priority schools and school districts, and recognizing performance schools.

SB 1060-By Westfall.

An Act to repeal sections 52.250, 52.260 and 52.290, RSMo, relating to county collectors and treasurers ex officio collectors, and to enact in lieu thereof nine new sections relating to the same subject.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1338**, entitled:

An Act to repeal section 168.071, RSMo, and to enact in lieu thereof one new section relating to teachers' licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271**, entitled:

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for forcible rape and sodomy, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rosalyn Schultz, 6233 Westminister Place, St. Louis City, Missouri 63130, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2004, and until her successor is duly appointed and qualified; vice, Nancy Pope, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 651**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 651**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 651

An Act to repeal section 354.606, RSMo, relating to health care providers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SB 651** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 651, Page 3, Section 354.606, Line 69, by inserting after all of said line the following:

"(d) Allow a health carrier, either directly or indirectly through intermediaries, to discriminate between healthcare providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses and when reimbursing amounts for covered services among persons duly licensed to provide such services."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Singleton, **SB 651** with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Westfall moved that **SB 662** and **SB 704**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 662** and **704**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 662 and 704

An Act to repeal sections 191.905, 252.235, 367.044, 569.095, 569.097, 569.099, 570.020, 570.080, 570.085, 570.120, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo, relating to stolen property and services, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **SBs 662** and **704** be adopted.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 662 and 704, Page 8, Section 569.095, Line 14, by striking the word "assess" and inserting in lieu thereof the word "**access**".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach assumed the Chair.

Senator Kenney offered **SA 2:SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for Senate Bills Nos. 662 and 704, Page 1, Section A, Line 7, by inserting after all of said line the following:

"150.465. 1. No itinerant vendor as defined in section 150.380, and no peddler as defined in section 150.470, shall offer for sale:

- (1) Any food solely manufactured and packaged for sale for consumption by a child under the age of two years; or
- (2) Drugs, devices and cosmetics as defined in section 196.010, RSMo.

2. This section shall not apply to authorized agents of a manufacturer of any item enumerated in subsection 1 of this section.

3. Violation of this section is a class A misdemeanor.

4. Itinerant vendors and peddlers shall make available within seventy-two hours upon request of any law enforcement officer any proof of purchase from a producer, manufacturer, wholesaler, or retailer of any new or unused property, as defined in section 570.010, RSMo.

5. Any forged receipt produced pursuant to subsection 4 of this section shall be prosecuted pursuant to section 570.090, RSMo."; and

Further amend said bill, Page 10, Section 569.099, Line 14, by inserting after all of said line the following:

"570.010. As used in this chapter:

- (1) "Adulterated" means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;
- (2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;
- (3) "Coercion" means a threat, however communicated:
 - (a) To commit any crime; or
 - (b) To inflict physical injury in the future on the person threatened or another; or
 - (c) To accuse any person of any crime; or
 - (d) To expose any person to hatred, contempt or ridicule; or
 - (e) To harm the credit or business repute of any person; or
 - (f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or
 - (g) To inflict any other harm which would not benefit the actor.

A threat of accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

- (4) "Credit device" means a writing, number or other device purporting to evidence an undertaking to pay for property

or services delivered or rendered to or upon the order of a designated person or bearer;

(5) "Dealer" means a person in the business of buying and selling goods;

(6) "Debit device" means a card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;

(7) "Deceit" means purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

(8) "Deprive" means:

(a) To withhold property from the owner permanently; or

(b) To restore property only upon payment of reward or other compensation; or

(c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;

(9) "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity;

(10) "New and unused property" means tangible personal property that has never been used since its production or manufacture and is in its original unopened package or container if such property was packaged;

(11) "Of another" property or services is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

[(11)] **(12) "Property"** means anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

[(12)] **(13) "Receiving"** means acquiring possession, control or title or lending on the security of the property;

[(13)] **(14) "Services"** includes transportation, telephone, electricity, gas, water, or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

[(14)] **(15) "Writing"** includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification."; and

Further amend said bill, Page 10, Section 570.020, Line 22, by inserting after all of said line the following:

"570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;

(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is [seven] **five** hundred [fifty] dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class C felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

5. The theft of any item of property or services [under] **pursuant to** subsection 3 of this section which exceeds [seven] **five** hundred [fifty] dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor."; and

Further amend said bill, Page 11, Section 570.085, Line 21, by inserting after all of said line the following:

"570.090. 1. A person commits the crime of forgery if, with the purpose to defraud, [he] **the person:**

(1) Makes, completes, alters or authenticates any writing so that it purports to have been made by another or at another time or place or in a numbered sequence other than was in fact the case or with different terms or by authority of one who did not give such authority; or

(2) Erases, obliterates or destroys any writing; or

(3) Makes or alters anything other than a writing, **including receipts and universal product codes**, so that it purports to have a genuineness, antiquity, rarity, ownership or authorship which it does not possess; or

(4) Uses as genuine, or possesses for the purpose of using as genuine, or transfers with the knowledge or belief that it will be used as genuine, any writing or other thing **including receipts and universal product codes**, which the actor knows has been made or altered in the manner described in this section.

2. Forgery is a class C felony."; and

Further amend said bill, Page 13, Section 570.120, Lines 56 to 64, by deleting all of said lines and inserting in lieu thereof the following:

"6. [Notwithstanding any other provisions of law to the contrary, in addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney or circuit attorney does not collect the service charge and the face amount of the check, the party to whom the check was issued may collect from the issuer a reasonable service charge along with the face amount of the check]

Notwithstanding any other provision of law to the contrary:

(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;

(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument."; and

Further amend said bill, Page 13, Section 570.120, Line 75, by inserting after all of said line the following:

"570.123. In addition to all other penalties provided by law, any person who makes, utters, draws, or delivers any check, draft, or order for the payment of money upon any bank, savings and loan association, credit union, or other depository, financial institution, person, firm, or corporation which is not honored because of lack of funds or credit to pay or because of not having an account with the drawee and who fails to pay the amount for which such check, draft, or order was made in cash to the holder within thirty days after notice and a written demand for payment, deposited as certified or registered mail in the United States mail, **or by regular mail, supported by an affidavit of service by**

mailing, notice deemed conclusive three days following the date the affidavit is executed, and addressed to the maker and to the endorser, if any, of the check, draft, or order at each of their addresses as it appears on the check, draft, or order or to the last known address, shall, in addition to the face amount owing upon such check, draft, or order, be liable to the holder for three times the face amount owed or one hundred dollars, whichever is greater, plus attorney fees incurred in bringing an action pursuant to this section. Only the original holder, whether the holder is a person, bank, savings and loan association, credit union, or other depository, financial institution, firm or corporation, may bring an action under this section. No original holder shall bring an action pursuant to this section if the original holder has been paid the face amount of the check and costs recovered by the prosecuting attorney or circuit attorney pursuant to subsection 6 of section 570.120. If the issuer of the check has paid the face amount of the check and costs pursuant to subsection 6 of section 570.120, such payment shall be an affirmative defense to any action brought pursuant to this section. The original holder shall elect to bring an action under this section or section 570.120, but may not bring an action under both sections. In no event shall the damages allowed under this section exceed five hundred dollars, exclusive of attorney fees. In situations involving payroll checks, the damages allowed under this section shall only be assessed against the employer who issued the payroll check and not against the employee to whom the payroll check was issued. The provisions of sections 408.140 and 408.233, RSMo, to the contrary notwithstanding, a lender may bring an action pursuant to this section. The provisions of this section will not apply in cases where there exists a bona fide dispute over the quality of goods sold or services rendered."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 662 and 704, Page 5, Section 252.235, Line 17, by inserting immediately after said line the following:

"367.031. 1. At the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:

- (1) The name and address of the pawnshop;
- (2) The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
- (3) The date of the transaction;
- (4) An identification and description of the pledged goods, including serial numbers if reasonably available;
- (5) The amount of cash advanced or credit extended to the pledgor;
- (6) The amount of the pawn service charge;
- (7) The total amount which must be paid to redeem the pledged goods on the maturity date;
- (8) The maturity date of the pawn transaction; and
- (9) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

2. The pawnbroker may be required, in accordance with local ordinances, to furnish [local] **appropriate** law enforcement authorities with copies of information contained in subdivisions (1) to (4) of subsection 1 of this section

and information contained in subdivision (6) of subsection 4 of section 367.040. The pawnbroker may satisfy such requirements by transmitting such information electronically to a database in accordance with this subsection.

(1) As used in this subsection, the following terms mean:

(a) "Database", a computer database established and maintained by a third party engaged in the business of establishing and maintaining one or more databases;

(b) "Reportable data", the information required to be recorded by pawnbrokers for pawn transactions pursuant to subdivisions (1) to (4) of subsection 1 of this section and the information required to be recorded by pawnbrokers for purchase transactions pursuant to subdivision (6) of subsection 4 of section 367.040;

(c) "Reporting pawnbroker", a pawnbroker who chooses to transmit reportable data electronically to the database;

(d) "Search", the accessing of a single database record;

(e) "User", law enforcement personnel specifically authorized to access the database.

(2) The database shall provide appropriate law enforcement officials with useful information to facilitate the investigation of alleged property crimes while protecting the privacy rights of pawnbrokers and pawnshop customers with regard to their transactions.

(3) The database shall contain the pawn and purchase transaction information recorded by reporting pawnbrokers pursuant to this section and section 367.040 and shall be updated daily. The database shall also contain such security features and protections as may be necessary to ensure that the reportable data maintained in the database can only be accessed by permitted users in accordance with the provisions of this subsection.

(4) The third party's charge for the database shall be based on the number of authorized database users. Law enforcement agencies shall be charged directly for access to the database, and the charge shall be reasonable in relation to the costs of the third party in establishing and maintaining the database. No reporting pawnbroker or customer of a reporting pawnbroker shall be charged any costs for the creation or utilization of the database.

(5) (a) The information in the database shall only be accessible through the Internet to appropriate users who have provided a secure identification or access code to the database but shall allow such users to access database information from any jurisdiction transmitting such information to that database. Such users shall provide the database with a case number of a criminal action for which the identity of the pawn or purchase transaction customer is needed and a representation that the information is connected to the investigation of a crime involving goods delivered by that customer in that transaction. The database shall record, for each search, the identity of the user, the pawn or purchase transaction involved in the search, and the identity of any customer accessed through the search. Each search record shall be made available to other users regardless of their jurisdiction. The database shall enable reporting pawnbrokers to transmit to the database through the Internet reportable data for each pawn and purchase transaction.

(b) Any person who gains access to information in the database through fraud or false pretenses shall be guilty of a class C felony.

(7) A reporting pawnbroker, and any pawnbroker licensed after August 28, 2002, shall meet the following requirements:

(a) Provide all reportable data to appropriate users by transmitting it through the Internet to the database;

(b) Transmit all reportable data for one business day to the database prior to the end of the following business

day;

(c) Make available for on-site inspection to any appropriate law enforcement official, upon request, paper copies of any pawn or purchase transaction documents.

(8) If a reporting pawnbroker or user discovers any error in the reportable data, notice of such error shall be given to the database, which shall have a period of at least thirty but no more than sixty days in which to correct the error. Any reporting pawnbroker experiencing a computer malfunction preventing the transmission of reportable data or receipt of search requests shall be allowed a period of at least thirty but no more than sixty days to repair such malfunction, and during such period such pawnbroker shall not be deemed to be in violation of this subsection if good faith efforts are made to correct the malfunction. During the periods specified in this subdivision, the reporting pawnbroker and user shall arrange an alternative method or methods by which the reportable data shall be made available.

(10) No reporting pawnbroker shall be obligated to incur any cost, other than Internet service costs, in preparing, converting, or delivering its reportable data to the database.

3. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of the pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the secretary of state pursuant to section 486.205, RSMo, to perform notarial acts in this state."; and

Further amend said bill, page 8, Section 367.044, line 91, by inserting immediately after said line the following:

"367.055. 1. Upon request of a law enforcement officer to inspect property that is described in information furnished by the pawnbroker pursuant to subdivisions (1) to (4) of subsection 1 of section 367.031, the law enforcement officer shall be entitled to inspect the property described, without prior notice or the necessity of obtaining a search warrant during regular business hours in a manner so as to minimize interference with or delay to the pawnbroker's business operation. When a law enforcement officer has probable cause to believe that goods or property in the possession of a pawnbroker are misappropriated, the officer may place a hold order on the property. The hold order shall contain the following:

- (1) The name of the pawnbroker;
- (2) The name and mailing address of the pawnshop where the property is held;
- (3) The name, title and identification number of the law enforcement officer placing the hold order;
- (4) The name and address of the agency to which the law enforcement officer is attached and the claim or case number, if any, assigned by the agency to the claim regarding the property;
- (5) A complete description of the property to be held including model and serial numbers;
- (6) The expiration date of the holding period.

The hold order shall be signed and dated by the issuing officer and signed and dated by the pawnbroker or the pawnbroker's designee as evidence of the hold order's issuance by the officer, receipt by the pawnbroker and the beginning of the initial holding period. The officer issuing the hold order shall provide an executed copy of the hold order to the pawnbroker for the pawnbroker's record-keeping purposes at no cost to the pawnbroker.

2. Upon receiving the hold order, and subject to the provisions of section 367.047, the pawnbroker shall retain physical possession of the property subject to the order in a secured area. The initial holding period of the hold order shall not

exceed two months, except that the hold order may be extended for up to two successive one-month holding periods upon written notification prior to the expiration of the immediately preceding holding period. A hold order may be released prior to the expiration of any holding period or extension thereof by written release from the agency placing the initial hold order. The initial hold order shall be deemed expired upon the expiration date if the holding period is not extended pursuant to this subsection.

3. Upon the expiration of the initial holding period or any extension thereof, the pawnbroker shall deliver written notice to the law enforcement officer issuing the hold order that such order has expired and that title to the property subject to the hold order will vest in the pawnbroker in ten business days. Ownership shall only vest in the pawnbroker upon the expiration of the ten-day waiting period subject to any restriction contained in the pawn contract and subject to the provisions of sections 367.044 to 367.053.

4. In addition to the penalty provisions contained in section 367.050, gross negligence or willful noncompliance with the provisions of this section by a pawnbroker shall be cause for the licensing authority to suspend or revoke the pawnbroker's license. Any imposed suspensions or revocation provided for by this subsection may be appealed by the pawnbroker to the licensing authority or to a court of competent jurisdiction.

5. A county or municipality may enact orders or ordinances to license or regulate the operations of pawnbrokers which are consistent with and not more restrictive than the provisions of sections [367.044] **367.011** to 367.055, **except that a county or municipality may regulate the number of pawn shop licensees.**

6. All records and information that relate to a pawnbroker's pawn, purchase or trade transactions and that are delivered to or otherwise obtained by an appropriate law enforcement officer pursuant to sections 367.031 and 367.040 are confidential and may be used only by such appropriate law enforcement officer and only for the following official law enforcement purposes:

(1) The investigation of a crime specifically involving the item of property delivered to the pawnbroker in a pawn, purchase or trade transaction;

(2) The investigation of a pawnbroker's possible specific violation of the record-keeping or reporting requirements of sections 367.031 and 367.040, but only when the appropriate law enforcement officer, based on a review of the records and the information received, has probable cause to believe that such a violation occurred; and

(3) The notification of property crime victims of where property that has been reported misappropriated can be located."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator DePasco offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for Senate Bills Nos. 662 and 704, Page 4, Section 367.031, Line 11 by deleting the following from said line:

"A reporting pawnbroker, and".

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

At the request of Senator Westfall, **SB 662** and **SB 704**, with **SCS** and **SA 3**, as amended (pending), were placed on

the Informal Calendar.

Senator Gross assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 740**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 702**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 695**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 687**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 776**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Finance and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 749**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1061-By Rohrbach and Kenney.

An Act to repeal sections 354.085 and 354.405, RSMo, relating to certification procedures of certain health carriers, and to enact in lieu thereof two new sections relating to the same subject.

SB 1062-By Rohrbach and Kenney.

An Act to repeal section 354.603, RSMo, relating to health carrier network adequacy, and to enact in lieu thereof one new section relating to the same subject.

SB 1063-By Rohrbach and Kenney.

An Act to repeal sections 192.665 and 192.667, and to enact in lieu thereof sixteen new sections relating to health care cost containment measures, with penalty provisions.

SB 1064-By Stoll.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for maple syrup urine disease.

INTRODUCTIONS OF GUESTS

On behalf of Senator Gibbons and himself, Senator Kennedy introduced to the Senate, Jim Eichelberger and Larry Dees, St. Louis.

Senator Rohrbach introduced to the Senate, Kathryn Shelley, California; and Jennifer Warren, Greenville.

Senator Cauthorn introduced to the Senate, Keith Gardner, Alice Gardner, Chris Shoup and Matt Schmidt, Kahoka.

Senator Cauthorn introduced to the Senate, Arsene Burton, Ann Pierceall and Earl Mangrum, Hannibal.

Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. Jeffrey F. Moley, M.D., St. Louis.

Senator Kenney introduced to the Senate, his son, Carlton, Lee's Summit; and Carlton was made an honorary page.

Senator Bentley introduced to the Senate, students from Southwest Missouri State University, Springfield.

Senator Bentley introduced to the Senate, Angela Varney and Melissa Street, Hollister; Charles Vieira, Eldon; Tiffany Patrick, Nixa; Bentley Iott, Mansfield; Cristy Overshon, Rolla; and Karen Houseman, Springfield.

Senator Mathewson introduced to the Senate, Pastor Larry Thompson and students from Faith Baptist Church Christian School, Sedalia; and Jeffrey Azak, Joel Milo, Jennifer Dail and Ellie DeVille were made honorary pages.

Senator Westfall introduced to the Senate, Allan Clemensen, Kelly, Christina, Joshua and Johnathan VanderKooi, Jason Dolan, Ben Scheib, Don Choi, Alan Sparks, Jackson Thai, Johnathan Moriarty, Trenell Norwood, Warren Page, Billy Green, Vernon Sorenson, Danny Oh, Stephen Lee, James Polson, Jeremiah Gledhill, Luke Johnson, Mike Trimble and Brian Gollogly, Agape Boarding School, Stockton.

Senator Sims introduced to the Senate, Professor Marie Kenyon and six students from St. Louis University, St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY-WEDNESDAY, JANUARY 30, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 938-Cauthorn, et al

SB 1010-Sims

SB 1011-Caskey

SB 1012-Caskey

SB 1013-Steelman and Stoll

SB 1014-Klindt and Kinder

SB 1015-Foster and Mathewson

SB 1016-Foster, et al

SB 1017-Cauthorn

SB 1018-Westfall

SB 1019-Stoll

SB 1020-Stoll, et al

SB 1021-Wiggins

SB 1022-Rohrbach and Goode

SB 1023-Bentley

SB 1024-Bentley

SB 1025-Jacob and Wiggins

SB 1026-Kenney, et al

SB 1027-Kinder, et al

SB 1028-Russell

SB 1029-Sims

SB 1030-Kennedy

SB 1031-Schneider

SB 1032-Childers

SB 1033-Kennedy

SB 1034-Kennedy

SB 1035-Yeckel

SB 1036-Yeckel

SB 1037-Singleton and Sims

SB 1038-DePasco

SB 1039-DePasco

SB 1040-Gibbons, et al

SB 1041-Russell

SB 1042-Bland

SB 1043-Bland

SB 1044-Bland

SB 1045-Bland

SB 1046-Gross and House

SB 1047-Kenney

SB 1048-Kenney

SB 1049-Stoll and Johnson

SB 1050-Foster

SB 1051-Foster

SB 1052-Sims

SB 1053-Bentley

SB 1054-Steelman

SB 1055-Cauthorn, et al

SB 1056-Cauthorn, et al

SB 1057-Cauthorn

SB 1058-Childers

SB 1059-Bentley, et al

SB 1060-Westfall

SB 1061-Rohrbach and Kenney

SB 1062-Rohrbach and Kenney

SB 1063-Rohrbach and Kenney

SB 1064-Stoll

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HCS for HBs 1037,

1188, 1074 & 1271-Hosmer

SENATE BILLS FOR PERFECTION

SB 660-Westfall, et al,

with SCS

SB 650-Singleton, et al

SBs 958 & 657-Kinder,

with SCS

SB 668-Bentley

SB 659-House and Kenney

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and
Russell, with SCS (pending)

SBs 662 & 704-Westfall,
with SCS & SA 3 (pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 758-Bentley

SB 720-Westfall

SB 644-Mathewson and Yeckel

SB 701-Wiggins

SB 737-Cauthorn and

Russell, with SCS

SB 745-Russell, with SCS

SB 669-Bentley, with SCS

SB 636-Wiggins

SB 726-Childers

SB 896-Yeckel

Reported 1/29

SB 740-Wiggins

SB 702-Caskey

SB 695-Dougherty and Sims

SB 687-Gibbons and Yeckel

SB 776-House, with SCS

SB 749-Goode

RESOLUTIONS

To be Referred

SCR 41-Rohrbach

Reported from Committee

SCR 38-Klarich

Journal of the Senate

SECOND REGULAR SESSION

THIRTEENTH DAY--WEDNESDAY, JANUARY 30, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"I know the one in whom I have put my trust, and I am sure that he is able to guard until that day what I have entrusted to him." (2 Timothy 1:12)

Gracious Lord, You know our inmost being. You have given us Your steady hand to perform the work we are required to do here. Forgive us for those times we lose our trust in You and try to do things on our own. Help us in our walk of faith to see You more clearly and follow Your footsteps more dearly. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senators--None			
Vacancies--1			

Senator Yeckel requested unanimous consent of the Senate to have **SB 749** returned to the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, as it was mistakenly turned in as a Consent Bill, when in

fact it is not, which request was granted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1065-By Staples.

An Act to repeal sections 226.520, 226.540 and 226.550, RSMo, relating to billboards, and to enact in lieu thereof six new sections relating to the same subject.

SB 1066-By Klindt.

An Act to repeal section 590.120, RSMo, relating to peace officers standards and training, and to enact in lieu thereof two new sections relating to the same subject.

SB 1067-By Foster and Johnson.

An Act to repeal sections 261.110, 261.230, 261.235 and 261.239, RSMo, and to enact in lieu thereof five new sections relating to the marketing of agricultural products.

SB 1068-By Dougherty.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to children's product safety.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 660**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 660**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 660

An Act to repeal section 577.017, RSMo, relating to alcohol-related traffic offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **SB 660** be adopted.

Senator Gibbons assumed the Chair.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 660, Page 2, Section 577.017, Line 37, by inserting after all of said line the following:

"577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then none shall be given and evidence of the refusal shall be admissible in a proceeding pursuant to section 565.024 or 565.060, RSMo, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may

be used against such person and that the person's license shall be immediately revoked upon refusal to take the test. **The request of the officer shall also include a notification to the person that:**

- (1) If the person requests to speak to an attorney the person shall have twenty minutes to do so;**
- (2) The twenty-minute period shall begin immediately upon the completion of the officer's request and notification, notwithstanding the timing of the person's request to speak to an attorney; and**
- (3) If the person requests to speak to an attorney and the person refuses to submit to the test after the completion of the twenty-minute period, it shall be deemed a refusal.**

If a person when requested to submit to any test allowed pursuant to section 577.020 **thereafter** requests to speak to an attorney, the person shall be granted twenty minutes, **beginning immediately upon completion of the officer's request and notification pursuant to this subsection**, in which to attempt to contact an attorney. **If the person requests to speak to an attorney prior to the time the officer first gives the request and notification pursuant to this subsection, the officer shall give the person the request and notification pursuant to this subsection and the person shall then be granted twenty minutes to speak to an attorney.** If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a sworn report to the director of revenue, which shall include the following:

(1) That the officer has:

- (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or
- (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
- (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may

petition for a hearing before a circuit or associate circuit court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department or the court. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, RSMo, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department

of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 660, Page 1, Section 577.017, Line 6, by inserting after the word "section": "and who is found to have .08 or more blood alcohol content at the time of the offense".

Senator Schneider moved that the above amendment be adopted.

Senator Westfall requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Cauthorn, Childers, Klindt and Singleton.

SA 2 was adopted by the following vote:

YEAS--Senators			
DePasco	Dougherty	Gibbons	Goode
Gross	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Loudon
Mathewson	Schneider	Sims	Staples
Wiggins	Yeckel--18		
NAYS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	House	Klindt
Rohrbach	Russell	Singleton	Steelman
Westfall--13			
Absent--Senator Quick--1			
Absent with leave--Senator Stoll--1			
Vacancies--1			

At the request of Senator Westfall, **SB 660**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Singleton moved that **SB 650** be taken up for perfection, which motion prevailed.

Senator Klarich offered **SS** for **SB 650**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 650

An Act to repeal section 556.036, RSMo, relating to sexual offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

Senator Klarich moved that **SS** for **SB 650** be adopted, which motion prevailed.

On motion of Senator Singleton, **SS** for **SB 650** was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1069--By Sims.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to Medicaid home- and community-based waiver.

SB 1070--By Gibbons.

An Act to repeal sections 43.540 and 589.410, RSMo, relating to protection of children, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 1071--By Klindt.

An Act to repeal sections 413.005, 413.015, 413.055, 413.065, 413.075, 413.085, 413.115, 413.125, 413.135, 413.145, 413.155, 413.165, 413.225, 413.227 and 413.229, RSMo, relating to weights and measures, and to enact in lieu thereof fifteen new sections relating to the same subject.

SB 1072--By Childers, Foster, Steelman and Russell.

An Act to repeal sections 644.016, 644.051 and 644.052, RSMo, relating to water permitting, and to enact in lieu thereof three new sections relating to the same subject.

SB 1073--By Cauthorn.

An Act to repeal section 56.823, RSMo, relating to prosecuting attorney retirement, and to enact in lieu thereof one new section relating to the same subject.

SB 1074--By Goode and Schneider.

An Act to repeal sections 149.015 and 149.160, RSMo, relating to tax on cigarettes and tobacco products, and to enact in lieu thereof two new sections relating to the same subject, with a referendum clause.

SB 1075--By Caskey and Childers.

An Act to repeal section 281.260, RSMo, relating to Breimyer Center for Sustainable Food and Farming Systems, and to enact in lieu thereof nine new sections relating to the same subject.

SB 1076--By DePasco.

An Act to repeal sections 367.031 and 367.055, RSMo, relating to use of pawnshop databases for law enforcement purposes, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 1077--By Klarich.

An Act to repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to Clutch's law, with penalty provisions.

SB 1078--By Kennedy.

An Act to repeal section 59.800, RSMo, relating to the statutory county recorder's fund, and to enact in lieu thereof one new section relating to the same subject.

SB 1079--By Bland.

An Act to repeal sections 408.140 and 408.330, RSMo, relating to penalties on late payments for certain credit transactions, and to enact in lieu thereof two new sections relating to the same subject.

SB 1080--By Bland.

An Act to repeal sections 329.010, 329.040 and 329.050, RSMo, relating to the licensing of braiders, and to enact in lieu thereof three new sections relating to the same subject.

SB 1081--By Bland.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the establishment of the joint committee on health care policy and planning, with an expiration date.

SB 1082--By Bland.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

REFERRALS

President Pro Tem Kinder referred **SCR 41** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 749**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 980, regarding Kurt Witzel, St. Louis County, which was adopted.

COMMUNICATIONS

Senator DePasco submitted the following:

January 30, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Madam Secretary:

Pursuant to the provision of Senate Rule 45, I am requesting that Senate Bill 636 be removed from the Consent Calendar as I feel this bill to be of a controversial nature.

Sincerely,

/s/ Ronnie DePasco

Ronnie DePasco

STATE SENATOR

District 11

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, thirty members of Missouri Task Force One firefighters/ rescue unit.

Senator Yeckel introduced to the Senate, Michael Marx, St. Louis.

Senator Staples introduced to the Senate, former State Senator Bill McKenna, Jefferson County.

Senator Russell introduced to the Senate, Michael Yokum.

Senator Foster introduced to the Senate, Duane and Sue Michie and Teri Michie Carnell and Skylar Carnell, Hayti; William, Tina, Dustin and Ashley Boatwright, Wardell; Gary, Melissa, Tyler and Kessler Michie, Gordonville; and Sara Michie

Higson, Jackson; and Skylar, Tyler and Kessler were made honorary pages.

Senator Bentley introduced to the Senate, Jim Anderson and Gene Barnes, Springfield.

On behalf of Senator Jacob and himself, Senator Mathewson introduced to the Senate, Carolyn Roff-Schreiber, Jill Evans, Bragg Stanley, EdD and former First Lady Pat Wilson, Columbia.

Senator House introduced to the Senate, Lillian and John Metzger, Troy.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Barbara Keller, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTEENTH DAY-THURSDAY, JANUARY 31, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 938-Cauthorn, et al

SB 1010-Sims

SB 1011-Caskey

SB 1012-Caskey

SB 1013-Steelman and Stoll

SB 1014-Klindt and Kinder

SB 1015-Foster and Mathewson

SB 1016-Foster, et al

SB 1017-Cauthorn

SB 1018-Westfall

SB 1019-Stoll

SB 1020-Stoll, et al

SB 1021-Wiggins

SB 1022-Rohrbach and Goode

SB 1023-Bentley

SB 1024-Bentley

SB 1025-Jacob and Wiggins

SB 1026-Kenney, et al

SB 1027-Kinder, et al

SB 1028-Russell

SB 1029-Sims

SB 1030-Kennedy

SB 1031-Schneider

SB 1032-Childers

SB 1033-Kennedy

SB 1034-Kennedy

SB 1035-Yeckel

SB 1036-Yeckel

SB 1037-Singleton and Sims

SB 1038-DePasco

SB 1039-DePasco

SB 1040-Gibbons, et al

SB 1041-Russell

SB 1042-Bland

SB 1043-Bland

SB 1044-Bland

SB 1045-Bland

SB 1046-Gross and House

SB 1047-Kenney

SB 1048-Kenney

SB 1049-Stoll and Johnson

SB 1050-Foster

SB 1051-Foster

SB 1052-Sims

SB 1053-Bentley

SB 1054-Steelman

SB 1055-Cauthorn, et al

SB 1056-Cauthorn, et al

SB 1057-Cauthorn

SB 1058-Childers

SB 1059-Bentley, et al

SB 1060-Westfall

SB 1061-Rohrbach and Kenney

SB 1062-Rohrbach and Kenney

SB 1063-Rohrbach and Kenney

SB 1064-Stoll

SB 1065-Staples

SB 1066-Klindt

SB 1067-Foster and Johnson

SB 1068-Dougherty

SB 1069-Sims

SB 1070-Gibbons

SB 1071-Klindt

SB 1072-Childers, et al

SB 1073-Cauthorn

SB 1074-Goode and Schneider

SB 1075-Caskey and Childers

SB 1076-DePasco

SB 1077-Klarich

SB 1078-Kennedy

SB 1079-Bland

SB 1080-Bland

SB 1081-Bland

SB 1082-Bland

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HCS for HBs 1037,

1188, 1074 & 1271-

Hosmer

SENATE BILLS FOR PERFECTION

SBs 958 & 657-Kinder,

with SCS

SB 668-Bentley

SB 659-House and Kenney

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 3 (pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 758-Bentley

SB 720-Westfall

SB 644-Mathewson and Yeckel

SB 701-Wiggins

SB 737-Cauthorn and

Russell, with SCS

SB 745-Russell, with SCS

SB 669-Bentley, with SCS

SB 726-Childers

SB 896-Yeckel

Reported 1/29

SB 740-Wiggins

SB 702-Caskey

SB 695-Dougherty and Sims

SB 687-Gibbons and Yeckel

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

RESOLUTIONS

Reported from Committee

Journal of the Senate

SECOND REGULAR SESSION

FOURTEENTH DAY--THURSDAY, JANUARY 31, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Worship the Lord in holy splendor; tremble before him, all the earth." (Psalm 96:9)

Almighty God, we thank You for this day and our being called to serve and follow Your leading. Bless us in the work we bring to a close for this week and instill in us to study Your word and share our faith with those we love. And we pray, bring us safely home through the ice, rain and snow, to those You have given us to care for. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Jacob--1			
Vacancies--1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Gross offered Senate Resolution No. 981, regarding the Forest Park Elementary School Reading Incentive Program, which was adopted.

Senators House and Gross offered Senate Resolution No. 982, regarding Allen Martin Bacher, O'Fallon, which was adopted.

Senators House and Gross offered Senate Resolution No. 983, regarding Billy Collier, St. Charles County, which was adopted.

Senator House offered Senate Resolution No. 984, regarding Anna Nienhueser, Bowling Green, which was adopted.

Senator DePasco offered Senate Resolution No. 985, regarding Bryant Elementary School Breakfast with Books Program, Independence, which was adopted.

Senator Klindt offered Senate Resolution No. 986, regarding Dorothy "Perky" Premier, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 987, regarding Pat Mozingo, Maryville, which was adopted.

Senator Yeckel offered Senate Resolution No. 988, regarding Andrew Steven Hrdlicka, Oakville, which was adopted.

Senator Bentley offered Senate Resolution No. 989, regarding the birth of Zoe Davis Herlick, Seattle, Washington, which was adopted.

Senator Bentley offered Senate Resolution No. 990, regarding Sarah Ann Cox Scheid, Springfield, which was adopted.

Senator Russell offered Senate Resolution No. 991, regarding David O'Dell, Camdenton, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1083-By Russell.

An Act to amend chapter 306, RSMo, by adding thereto two new sections relating to watercraft regulation, with penalty provisions.

SB 1084-By Stoll.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause.

SB 1085-By Yeckel.

An Act to amend chapter 324, RSMo, by adding thereto seventeen new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

SB 1086-By DePasco.

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to control of weeds and trash.

Senator Rohrbach assumed the Chair.

SB 1087-By Gibbons, Gross, Childers, Loudon, Dougherty, Yeckel, Goode, Sims, Klindt, Kennedy, Stoll, Jacob, DePasco, Westfall, Johnson, House, Wiggins and Steelman.

An Act to repeal sections 197.305, 197.310, 197.315, 197.366 and 197.367, RSMo, and to enact in lieu thereof eleven new sections relating to entities funded in whole or in part by the department of social services.

SB 1088-By Foster, DePasco, Mathewson, House and Johnson.

An Act to repeal sections 343.010, 343.030, 343.040, 343.050, 343.060, 343.070, 343.080, 343.090, 343.100 and 343.250, RSMo, relating to the licensing of auctioneers, and to enact in lieu thereof twenty new sections relating to the same subject with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 687**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 740**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SJR 23**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 650**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Michael David Conner and Debra Foster Greene, as members of the Unmarked Human Burial Consultation Committee;

Also,

Karen J. Jones, as a member of the Missouri Women's Council;

Also,

Rodney Wead and Gilbert Alderson, as members of the Child Abuse and Neglect Review Board;

Also,

Lucy Reinhart and Lori Schutte, as members of the Organ Donation Advisory Committee;

Also,

William B. Jenkins and Reverend Robert Charles Scott, as members of the Missouri Commission on Human Rights;

Also,

Jesse C. Caudle, David J. Heath and John R. Wittstruck, Ph.D., as members of the Missouri Training and Employment Council;

Also,

C. Lillian Metzger and Geralyn M. Klenke, as members of the State Board of Senior Services;

Also,

Robert Dale Potter, as a member of the Drug Utilization Review Board;

Also,

Donald E. England, as a member of the Interior Design Council;

Also,

Linda Allen and Terry Jo Fox, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Stephen W. Lehmkuhle, Ph.D., as a member of the Missouri Seed Capital Investment Board;

Also,

Lisa A. Guillory, Au.D., as a public member, and Sandy S. Drummond, as a member of the Missouri State Committee of Interpreters;

Also,

Charles Smith, Sherri Coleman and Shera Kafka, as members of the Missouri Head Injury Advisory Council;

Also,

Joseph E. Rechter, as a member of the Missouri Investment Trust Board of Trustees;

Also,

Avis Parman, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Teri A. Murry, Ph.D., R.N., as a member of the Missouri State Board of Nursing;

Also,

Phillip Luebbering, as a member of the State Soil and Water Districts Commission;

Also,

William H. Worley, as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Michael J. Marx, as a member of the Seismic Safety Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of James B. Anderson, as a member of the State Highways and Transportation Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Bentley moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of William P. McKenna, as a member of the State Highway and Transportation Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Stoll moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Duane S. Michie, as a member of the State Highway and Transportation Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Foster moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 712**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 1009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 970**, **SB 968**, **SB 921**, **SB 867**, **SB 868** and **SB 738**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 931**, begs leave to report that it has considered

the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 722**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 856**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 895**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 675**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 881**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which were referred **SB 641** and **SB 705**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which were referred **SB 721**, **SB 757**, **SB 818** and **SB 930**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HBs 1386** and **1038**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 665**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Kenney submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 813**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rohrbach assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 938--Judiciary.

SB 1011--Commerce and Environment.

SB 1012--Commerce and Environment.

SB 1013--Commerce and Environment.

SB 1014--Interstate Cooperation.

SB 1015--Agriculture, Conservation, Parks and Tourism.

SB 1016--Agriculture, Conservation, Parks and Tourism.

SB 1017--Local Government and Economic Development.

SB 1018--Civil and Criminal Jurisprudence.

SB 1019--Commerce and Environment.

SB 1020--Ways and Means.

SB 1021--Judiciary.

SB 1022--Judiciary.

SB 1023--Ways and Means.

SB 1024--Public Health and Welfare.

SB 1025--Transportation.

SB 1026--Public Health and Welfare.

SB 1027--Judiciary.

SB 1028--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1029--Aging, Families and Mental Health.

SB 1030--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1031--Judiciary.

SB 1032--Local Government and Economic Development.

SB 1033--Education.

SB 1034--Education.

SB 1035--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1036--Ways and Means.

SB 1037--Transportation.

SB 1038--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1039--Local Government and Economic Development.

SB 1040--Ways and Means.

SB 1041--Local Government and Economic Development.

SB 1042--Commerce and Environment.

SB 1043--Agriculture, Conservation, Parks and Tourism.

SB 1044--Insurance and Housing.

SB 1045--Ways and Means.

SB 1046--Pensions and General Laws.

SB 1047--Aging, Families and Mental Health.

SB 1048--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1049--Transportation.

SB 1050--Education.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HCS** for **HBs 1037, 1188, 1074** and **1271**--Judiciary.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1089-By Goode.

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to a life sciences research program.

SB 1090-By Loudon.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to air bags, with penalty provisions.

SB 1091-By Loudon.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to establishment of the open contracting act.

SB 1092-By Loudon.

An Act to repeal sections 610.120 and 610.122, RSMo, relating to expungement of certain criminal records, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

SB 1093-By Loudon.

An Act to repeal section 301.131, RSMo, relating to historic motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1399**, entitled:

An Act to repeal section 42.175, RSMo, and to enact in lieu thereof one new section relating to World War II medals, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 992, regarding David Patrick Bates, Pleasant Hill, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Dan Reichert, Ryan Lefebvre, Kim Hillix, Byron Shores, Shani Tate, Ben Aken and Chris George of the Kansas City Royals Baseball organization.

On behalf of Senator Jacob, the President introduced to the Senate, the Physician of the Day, Dr. Karen Edison, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 4, 2002.

SENATE CALENDAR

FIFTEENTH DAY-MONDAY, FEBRUARY 4, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1010-Sims

SB 1051-Foster

SB 1052-Sims

SB 1053-Bentley

SB 1054-Steelman

SB 1055-Cauthorn, et al

SB 1056-Cauthorn, et al

SB 1057-Cauthorn

SB 1058-Childers

SB 1059-Bentley, et al

SB 1060-Westfall

SB 1061-Rohrbach and Kenney

SB 1062-Rohrbach and Kenney

SB 1063-Rohrbach and Kenney

SB 1064-Stoll

SB 1065-Staples

SB 1066-Klindt

SB 1067-Foster and Johnson

SB 1068-Dougherty

SB 1069-Sims

SB 1070-Gibbons

SB 1071-Klindt

SB 1072-Childers, et al

SB 1073-Cauthorn

SB 1074-Goode and Schneider

SB 1075-Caskey and Childers

SB 1076-DePasco

SB 1077-Klarich

SB 1078-Kennedy

SB 1079-Bland

SB 1080-Bland

SB 1081-Bland

SB 1082-Bland

SB 1083-Russell

SB 1084-Stoll

SB 1085-Yeckel

SB 1086-DePasco

SB 1087-Gibbons, et al

SB 1088-Foster, et al

SB 1089-Goode

SB 1090-Loudon

SB 1091-Loudon

SB 1092-Loudon

SB 1093-Loudon

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

THIRD READING OF SENATE BILLS

SS for SB 650-Singleton

SENATE BILLS FOR PERFECTION

1. SBs 958 & 657-Kinder, with SCS
2. SB 668-Bentley
3. SB 659-House and Kenney
4. SJR 23-Singleton
5. SB 712-Singleton and
Sims, with SCS
6. SB 1009-Rohrbach,
with SCS
7. SBs 970, 968, 921, 867,
868 & 738-Westfall,
et al, with SCS
8. SB 931-Klarich, with SCS
9. SB 722-Bentley, with SCS
10. SB 856-Russell
11. SB 895-Yeckel and
Gross
12. SB 675-Yeckel, et al,
with SCS
13. SB 881-Steelman and
Yeckel, with SCS
14. SBs 641 & 705-Russell,

et al, with SCS

15. SBs 721, 757, 818 &

930-Westfall, with SCS

16. SB 665-Kenney

HOUSE BILLS ON THIRD READING

HCS for HBs 1386 & 1038

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 3 (pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 758-Bentley

SB 720-Westfall

SB 644-Mathewson and Yeckel

SB 701-Wiggins

SB 737-Cauthorn and

Russell, with SCS

SB 745-Russell, with SCS

SB 669-Bentley, with SCS

SB 726-Childers

SB 896-Yeckel

Reported 1/29

SB 702-Caskey

SB 695-Dougherty and Sims

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

RESOLUTIONS

Reported from Committee

SCR 38-Klarich

Journal of the Senate

SECOND REGULAR SESSION

FIFTEENTH DAY--MONDAY, FEBRUARY 4, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"Make a joyful noise to God, all the earth; sing the glory of his name..." (Psalm 66:1,2)

Gracious Lord, we give You thanks and praise for the beauty of this day and bringing us safely here to continue our work for Your people. Bless us with Your presence and guide our hearts and minds as we discern the bills that are brought to our attention. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 31, 2002, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Jacob--1

Vacancies--1

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 993, regarding Bradley Vernon Wisdom, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 994, regarding Joseph Wayne "Joey" Campbell, Chaffee, which was adopted.

Senator Schneider offered Senate Resolution No. 995, regarding Ernestine Zegar, St. Ann, which was adopted.

CONCURRENT RESOLUTIONS

Senator Klindt offered the following concurrent resolution:

WHEREAS, the Menfro soil series was established in Missouri in Perry County and is named for the town of Menfro where it was first described and mapped. Menfro soils are very deep, well-drained soils formed in layers of silt loam and silty clay loam; and

WHEREAS, over a million acres of Missouri soil in more than forty counties have been identified as Menfro soil. The Menfro soil series consists of soils formed on wooded upland slopes along the Missouri and Mississippi Rivers and their major tributaries; and

WHEREAS, the current State Capitol, Governor's Mansion, the original State Capitol in St. Charles, the Daniel Boone burial site, and much of the upland areas of Kansas City, St. Louis, Jefferson City, Hermann, Hannibal, and Cape Girardeau are located on Menfro soil; and

WHEREAS, the major land uses of Menfro soils are agriculture and woodland productivity. The main agricultural enterprises grown on Menfro soil are feed grains and forages for livestock, grape vineyards, orchards, and other fruit and vegetable crops; and

WHEREAS, in appreciation for this resource and its value in our economy and environment, the state of Missouri should publicly recognize the importance of soils to our state and encourage educators and other science professionals to teach about soil as a natural resource:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate "Menfro soil" as the official state soil of Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1094-By Russell.

An Act to repeal section 198.439, RSMo, and to enact in lieu thereof one new section relating to the nursing facility reimbursement allowance.

SB 1095-By Cauthorn.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to the establishment of the Missouri sheriff metham-phetamine relief team.

SB 1096-By Kennedy.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax on coffins, caskets and urns.

SB 1097-By Kennedy and Stoll.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to surgical comanagement arrangements.

SB 1098-By Steelman.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to electric personal assistive mobility devices.

SB 1099-By Childers.

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to tourist services.

SB 1100-By Childers.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the promotion of energy efficiency.

SB 1101-By Kenney, House and Wiggins.

An Act to repeal sections 30.260 and 30.270, RSMo, and to enact in lieu thereof four new sections relating to investment policies.

THIRD READING OF SENATE BILLS

SS for **SB 650**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 650

An Act to repeal section 556.036, RSMo, relating to sexual offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

Was taken up by Senator Singleton.

On motion of Senator Singleton, **SS** for **SB 650** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Schneider--1			
Absent--Senators--None			
Absent with leave--Senator Jacob--1			
Vacancies--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Schneider--1
Absent--Senator Gross--1
Absent with leave--Senator Jacob--1
Vacancies--1

Senator Loudon assumed the Chair.

Senator Singleton moved that the title to the bill be agreed to.

At the request of Senator Singleton, the above motion was withdrawn.

Having voted on the prevailing side, Senator Singleton moved that the vote by which the emergency clause was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	DePasco	Gross	Staples--4
Absent with leave--Senator Jacob--1			
Vacancies--1			

At the request of Senator Singleton, the motion to adopt the emergency clause was withdrawn.

Having voted on the prevailing side, Senator Singleton moved that the vote by which **SS** for **SB 650** was read the 3rd time and finally passed, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Gross--1			
Absent with leave--Senator Jacob--1			
Vacancies--1			

At the request of Senator Singleton, the motion for 3rd reading and final passage was withdrawn.

Having voted on the prevailing side, Senator Singleton moved that the vote by which **SS** for **SB 650** was declared perfected and ordered printed be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Gross	Klindt--2		
	Absent with leave--Senator Jacob--1		
	Vacancies--1		

At the request of Senator Singleton, the motion for perfection was withdrawn.

At the request of Senator Singleton, **SS** for **SB 650** was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Elizabeth Nelson, 4100 Laclede Avenue, #202, St. Louis City, Missouri 63108, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2004, and until her successor is duly appointed and qualified; vice, Rev. Maurice J. Nutt, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan C.J. Rollins, 5071 Westminster Place, St. Louis City, Missouri 63108, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2005, and until her successor is duly appointed and qualified; vice, Leslie Bond, Sr, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bartholomew M. "Bart" Saracino, 6457 Kinsey Place, St. Louis City, Missouri 63109, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2006, and until his successor is duly appointed and qualified; vice, Edward Roth, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 656**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 893**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 804**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 645**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 891**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 798**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 865**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 639**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 932**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 742**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 742, Page 1, In the Title, Line 3, by striking the following: "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, Section A, Line 1, by striking the following: "one new section" and inserting in lieu thereof the following: "two new sections"; and further amend line 2, by striking "sections" and inserting in lieu thereof the following: "sections 362.011 and"; and further amend line 2, by inserting after all of said line the following:

"362.011. For the purposes of this chapter, a person does not engage in the trust business by:

- (1) The rendering of fiduciary services by an attorney-at-law admitted to the practice of law in this state;**
- (2) Rendering services as a certified or registered public accountant in the performance of duties as such;**

- (3) Acting as a trustee or receiver in bankruptcy;**
- (4) Engaging in the business of an escrow agent;**
- (5) Receiving rents and proceeds of sale as a licensed real estate broker on behalf of the principal;**
- (6) Acting as trustee under a deed of trust made only as security for the payment of money or for the performance of another act;**
- (7) Acting in accordance with its authorized powers as a religious, charitable, educational, or other not-for-profit corporation or as a charitable trust or as an unincorporated religious organization;**
- (8) Engaging in securities transactions as a dealer or salesman;**
- (9) Acting as either a receiver under the supervision of a court or as an assignee for the benefit of creditors under the supervision of a court; or**
- (10) Engaging in such other activities that the Director may prescribe by rule."**

On behalf of Senator Gross, Chairman of the Committee on Pensions and General Laws, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 860**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 836**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 840**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1010--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1051--Education.

SB 1052--Aging, Families and Mental Health.

SB 1053--Education.

SB 1054--Commerce and Environment.

SB 1055--Public Health and Welfare.

SB 1056--Pensions and General Laws.

SB 1057--Civil and Criminal Jurisprudence.

SB 1058--Ways and Means.

SB 1060--Local Government and Economic Development.

SB 1061--Insurance and Housing.

SB 1062--Insurance and Housing.

SB 1063--Insurance and Housing.

SB 1064--Insurance and Housing.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1102-By Westfall.

An Act to repeal section 191.680, RSMo, relating to nuisance, and to enact in lieu thereof one new section relating to the same subject.

SB 1103-By Westfall, Russell and Childers.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the establishment of an official state horse.

SB 1104-By Mathewson.

An act to repeal section 143.811, RSMo, relating to interest paid on refunds, and to enact in lieu thereof one new section relating to the same subject.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

January 31, 2002

The Honorable Bob Holden

Governor of Missouri

State Capitol, Room 216

Jefferson City, MO 65101

RE: Senate Appointments to the Missouri Commission on

Intergovernmental Cooperation

Dear Governor Holden:

Pursuant to Executive Order 01-16, I am appointing Senator Doyle Childers (R-Reeds Spring) and Senator Steve Stoll (D-Festus) to the Missouri Commission on Intergovernmental Cooperation.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Bill Grigsby, Kansas City.

Senator Klindt introduced to the Senate, former State Senator, U.S. Congressman Sam Graves, Tarkio; and U.S. Attorney Todd Graves, Platte County.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY-TUESDAY, FEBRUARY 5, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1059-Bentley, et al

SB 1065-Staples

SB 1066-Klindt

SB 1067-Foster and Johnson

SB 1068-Dougherty

SB 1069-Sims

SB 1070-Gibbons

SB 1071-Klindt

SB 1072-Childers, et al

SB 1073-Cauthorn

SB 1074-Goode and Schneider

SB 1075-Caskey and Childers

SB 1076-DePasco

SB 1077-Klarich

SB 1078-Kennedy

SB 1079-Bland

SB 1080-Bland

SB 1081-Bland

SB 1082-Bland

SB 1083-Russell

SB 1084-Stoll

SB 1085-Yeckel

SB 1086-DePasco

SB 1087-Gibbons, et al

SB 1088-Foster, et al

SB 1089-Goode

SB 1090-Loudon

SB 1091-Loudon

SB 1092-Loudon

SB 1093-Loudon

SB 1094-Russell

SB 1095-Cauthorn

SB 1096-Kennedy

SB 1097-Kennedy and Stoll

SB 1098-Steelman

SB 1099-Childers

SB 1100-Childers

SB 1101-Kenney, et al

SB 1102-Westfall

SB 1103-Westfall, et al

SB 1104-Mathewson

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

SENATE BILLS FOR PERFECTION

1. SBs 958 & 657-Kinder,

with SCS

2. SB 668-Bentley

3. SB 659-House and

Kenney

4. SJR 23-Singleton

5. SB 712-Singleton and

Sims, with SCS

6. SB 1009-Rohrbach,

with SCS

7. SBs 970, 968, 921,

867, 868 & 738-

Westfall, et al, with SCS

8. SB 931-Klarich, with SCS

9. SB 722-Bentley, with SCS

10. SB 856-Russell

11. SB 895-Yeckel and Gross

12. SB 675-Yeckel, et al,

with SCS

13. SB 881-Steelman and

Yeckel, with SCS

14. SBs 641 & 705-Russell,

et al, with SCS

15. SBs 721, 757, 818 &

930-Westfall, with SCS

16. SB 665-Kenney

17. SB 836-Gross and

Dougherty, with SCS

18. SB 840-Gross and

Russell, with SCS

HOUSE BILLS ON THIRD READING

HCS for HBs 1386 & 1038

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SS for SB 650-Singleton

SB 651-Singleton and

Russell, with SCS

(pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 3 (pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 758-Bentley

SB 720-Westfall

SB 644-Mathewson and Yeckel

SB 701-Wiggins

SB 737-Cauthorn and

Russell, with SCS

SB 745-Russell, with SCS

SB 669-Bentley, with SCS

SB 726-Childers

SB 896-Yeckel

Reported 1/29 SB 702-Caskey

SB 695-Dougherty and Sims

SB 776-House, with SCS Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 893-Rohrbach

SB 804-DePasco, with SCS

SB 645-Mathewson, with SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

RESOLUTIONS

To be Referred

SCR 42-Klindt

Reported from Committee

Journal of the Senate

SECOND REGULAR SESSION

SIXTEENTH DAY--TUESDAY, FEBRUARY 5, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"This is the day that the Lord has made; let us rejoice and be glad in it." (Psalm 118:24)

Heavenly Father, each day we begin anew wanting only to carry over those things that bear Your blessings. Bless us with Your presence and memory of Your goodness so we may be about doing more good with our lives and effective service in our calling. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator DePasco moved that the Senate Journal for Monday, February 4, 2002, be corrected on Page 200, Column 2, by recording his vote as a "yes" rather than "absent" and further by making the appropriate vote total changes, which motion prevailed.

On motion of Senator Kenney, the Journal for Monday, February 4, 2002, was approved, as corrected.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 43

WHEREAS, Missouri law requires parental consent of at least one parent in order for a minor to obtain an abortion, unless excused by a court; and

WHEREAS, Illinois law contains no such parental consent requirement; and

WHEREAS, as a result, Missouri resident minors may cross the state border to Illinois to access abortion providers in order to avoid state law:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby implore the General Assembly of the State of Illinois to enact a law to require parental consent prior to allowing a minor to obtain an abortion; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to Governor George H. Ryan of Illinois and the President Pro Tempore James "Pate" Philip and Speaker of the House Michael Madigan for the State of Illinois.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1105-By Loudon.

An Act to repeal section 287.020, RSMo, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 1106-By Klarich.

An Act to repeal section 370.061, RSMo, relating to credit union commissioners, and to enact in lieu thereof one new section relating to the same subject.

SB 1107-By Childers.

An Act to repeal sections 190.044, 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185 and 190.196, RSMo, relating to provisions of emergency medical services, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

SB 1108-By Kennedy.

An Act to amend chapter 67, RSMo, by adding thereto twelve new sections relating to the creation of a regional taxicab commission.

SB 1109-By Yeckel.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to drivers' licenses.

SENATE BILLS FOR PERFECTION

At the request of Senator Kinder, **SB 958** and **SB 657**, with **SCS**, were placed on the Informal Calendar.

Senator Bentley moved that **SB 668** be taken up for perfection, which motion prevailed.

Senator Bentley offered **SS** for **SB 668**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 668

An Act to amend chapters 160, 167 and 620, RSMo, by adding thereto thirteen new sections relating to the department of elementary and secondary education.

Senator Bentley moved that **SS** for **SB 668** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 668, Page 1, Section 160.560, Line 10, by inserting after the word "public" the words "**and private**".

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Gross and Wiggins.

SA 1 was adopted by the following vote:

YEAS--Senators			
Foster	Gibbons	Gross	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Schneider	Singleton
Steelman	Wiggins	Yeckel--15	
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Goode	House
Johnson	Mathewson	Quick	Sims
Stoll	Westfall--14		
Absent--Senators			
Bland	Russell	Staples--3	
Absent with leave--Senator Jacob--1			
Vacancies--1			

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 668, Page 1, Section 160.560, Line 17 of said page, by inserting after all of said line the following:

"3. By the state board, may pursuant to rules promulgated by the board, to any individual who presents to the state board a valid baccalaureate degree or master's degree in chemistry, biology, physics, mathematics, computer science or medicine from an accredited institution of higher education accredited by a national or regional accrediting association and documentation of at least five years of work experience. Such certificate shall be limited to subject areas which include the applicant's major and other significant areas of undergraduate or graduate study and work experience, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of section 168.021."; and

Further renumber remaining subsections accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

At the request of Senator Bentley, **SB 668**, with **SS**, as amended (pending), was placed on the Informal Calendar.

Senator Singleton moved that **SS** for **SB 650** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Having voted on the prevailing side, Senator Singleton moved that the vote by which **SS** for **SB 650** was adopted be

reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Jacob--1

Vacancies--1

SS for **SB 650** was again taken up.

At the request of Senator Klarich, **SS** for **SB 650** was withdrawn.

Senator Klarich offered **SS No. 2** for **SB 650**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 650

An Act to repeal section 556.036, RSMo, relating to sexual offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

Senator Klarich moved that **SS No. 2** for **SB 650** be adopted, which motion prevailed.

On motion of Senator Singleton, **SS No. 2** for **SB 650** was declared perfected and ordered printed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1059--Education.

SB 1065--Transportation.

SB 1066--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1067--Agriculture, Conservation, Parks and Tourism.

SB 1068--Aging, Families and Mental Health.

SB 1069--Aging, Families and Mental Health.

SB 1070--Civil and Criminal Jurisprudence.

SB 1071--Agriculture, Conservation, Parks and Tourism.

SB 1072--Commerce and Environment.

SB 1073--Pensions and General Laws.

SB 1074--Ways and Means.

SB 1075--Agriculture, Conservation, Parks and Tourism.

SB 1076--Civil and Criminal Jurisprudence.

SB 1077--Transportation.

SB 1078--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1080--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1082--Aging, Families and Mental Health.

REFERRALS

President Pro Tem Kinder referred **SCR 42** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Donald K. Johnson, as a member of the Board of Regents for Linn State Technical College;

Also,

G. Paul Corbin, Mark A. Byington and Lt. Ronald S. Johnson, as members of the Peace Officer Standards and Training Commission;

Also,

Rudolph R. Rhodes, IV, as a public member of the State Board of Embalmers and Funeral Directors;

Also,

Laurie Barrow, as a member of the Child Abuse and Neglect Review Board;

Also,

John F. Younghanz, Jr., Andrea J. Lawrence and Thallis Malone, as members of the Missouri Real Estate Commission;

Also,

Matthew Wilson and Lisa Norman, as members of the Missouri Community Service Commission;

Also,

Calvin Thomas, IV, as a student representative to the Board of Regents for Harris-Stowe College;

Also,

Arlene V. McClendon, as a member of the State Board of Barber Examiners;

Also,

M. Elizabeth Fast, as a member of the State Banking Board;

Also,

Palmer "Nick" R. Nichols, as a member of the Board of Governors for Central Missouri State University;

Also,

Lori Scott, as a member of the Organ Donation Advisory Committee;

Also,

Darryl E. Knopf, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Ruth Ann Condry, as a member of the State Board of Cosmetology;

Also,

Donna L. Almond, D.O., as a member of the State Board of Registration for the Healing Arts;

Also,

Hillred Kay Thurston, Charlotte R. York, L.P.N. and Robin S. Vogt, M.S.N., R.N., as members of the Missouri State Board of Nursing;

Also,

Joseph L. Adams and Robert P. Neumann, as members of the State Historical Records Advisory Board;

Also,

George Dennis Shull, as Adjutant General of the Missouri National Guard;

Also,

Mari Ann Bihr, as a member of the Advisory Committee on Lead Poisoning;

Also,

Sherrie M. Nash, as a member of the Missouri Women's Council;

Also,

M. Elizabeth Kingsley, Ph.D., as a member of the State Committee of Marital and Family Therapists;

Also,

Charlotte L. Connell, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no

objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 708**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 995**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 740**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 687**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1110-By Steelman.

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to landord agreements with telecommunication providers.

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 996, regarding Beatrice Grimes, St. Joseph, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Kathy, Hannah and Garrett VaLeu, Sullivan; and Connie, Andrea and Robert Lofton, Union; and Robert and Hannah were made honorary pages.

On behalf of Senator Russell and himself, Senator Wiggins introduced to the Senate, students from Calvary Baptist Church, Devil's Elbow; and Lyon Yeoman, Adrian Rivera, Bradley Schibbelhut, JeVe Clayton, Matt Matthews, Ray Ortiz and Dustin Palmer were made honorary pages.

Senator Kennedy introduced to the Senate, Gary and Maureen Weigert, St. Louis.

Senator Gross introduced to the Senate, Mary Dempsey, St. Charles.

Senator Klindt introduced to the Senate, former State Representative Dale Whiteside, John Canepari and members of the Chillicothe Chamber of Commerce.

Senator Steelman introduced to the Senate, Richard Anderson, Ralf Trusty, Vicki Hopgood, Wanda Lucian, Tammy Linheart, Paula Laney, Kim Martin and members of MSTTA from Rolla and St. James.

Senator Johnson introduced to the Senate, Bonnie Brown, Platte County.

Senator Kenney introduced to the Senate, members of Leadership Blue Springs Chamber of Commerce, Blue Springs.

Senator Kinder introduced to the Senate, Dr. Craig Roberts, Cape Girardeau.

Senator Singleton introduced to the Senate, Roy Jean Carter and students from Benton Elementary School, Neosho.

On behalf of Senator Jacob, Senator Caskey introduced to the Senate, Renee Slusher, Columbia.

On behalf of Senator Bentley and himself, Senator Singleton introduced to the Senate, Bud and Thelma Neff, Springfield.

Senator Rohrbach introduced to the Senate, the Physician of the Day, Dr. Susan M. Burkhart, M.D., California.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY-WEDNESDAY, FEBRUARY 6, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1079-Bland

SB 1081-Bland

SB 1083-Russell

SB 1084-Stoll

SB 1085-Yeckel

SB 1086-DePasco

SB 1087-Gibbons, et al

SB 1088-Foster, et al

SB 1089-Goode

SB 1090-Loudon

SB 1091-Loudon

SB 1092-Loudon

SB 1093-Loudon

SB 1094-Russell

SB 1095-Cauthorn

SB 1096-Kennedy

SB 1097-Kennedy and Stoll

SB 1098-Steelman

SB 1099-Childers

SB 1100-Childers and Stoll

SB 1101-Kenney, et al

SB 1102-Westfall

SB 1103-Westfall, et al

SB 1104-Mathewson

SB 1105-Loudon

SB 1106-Klarich

SB 1107-Childers

SB 1108-Kennedy

SB 1109-Yeckel

SB 1110-Steelman

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

SENATE BILLS FOR PERFECTION

1. SB 659-House and

Kenney

2. SJR 23-Singleton

3. SB 712-Singleton and
Sims, with SCS

4. SB 1009-Rohrbach,
with SCS

5. SBs 970, 968, 921, 867,
868 & 738-Westfall,
et al, with SCS

6. SB 931-Klarich, with SCS

7. SB 722-Bentley, with
SCS

8. SB 856-Russell

9. SB 895-Yeckel and
Gross

10. SB 675-Yeckel, et al,
with SCS

11. SB 881-Steelman and
Yeckel, with SCS

12. SBs 641 & 705-Russell,
et al, with SCS

13. SBs 721, 757, 818 &
930-Westfall, with SCS

14. SB 665-Kenney

15. SB 836-Gross and
Dougherty, with SCS

16. SB 840-Gross and

Russell, with SCS

17. SB 740-Wiggins

18. SB 687-Gibbons and

Yeckel HOUSE BILLS ON THIRD READING

HCS for HBs 1386 & 1038

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 3 (pending)

SB 668-Bentley, with SS

(pending)

SBs 958 & 657-Kinder,

with SCS CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 758-Bentley

SB 720-Westfall

SB 644-Mathewson and Yeckel

SB 701-Wiggins

SB 737-Cauthorn and

Russell, with SCS

SB 745-Russell, with SCS

SB 669-Bentley, with SCS

SB 726-Childers

SB 896-Yeckel Reported 1/29

SB 702-Caskey

SB 695-Dougherty and Sims

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 893-Rohrbach

SB 804-DePasco, with SCS

SB 645-Mathewson, with SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

RESOLUTIONS

To be Referred

SCR 43-Loudon

Reported from Committee

SCR 38-Klarich

Journal of the Senate

SECOND REGULAR SESSION

SEVENTEENTH DAY--WEDNESDAY, FEBRUARY 6, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"I give thanks, O Lord, with my whole heart..." (Psalm 138:1)

Magnificent Lord, it is good to begin this day in prayer and meditation with You and with our colleagues. Watch over us this day and bless us so that we may bring about the fruits of the seeds that were planted in our hearts this morning. In Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senators--None			
Vacancies--1			

RESOLUTIONS

Senators Klarich and Loudon offered Senate Resolution No. 997, regarding Paul and Alicia Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 998, regarding Georgiana Candice Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 999, regarding Florina Natalia Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 1000, regarding Madalina Gabriella Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 1001, regarding John Paul Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 1002, regarding Jordan Michael Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 1003, regarding Daniel David Matteucci, Wildwood, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1004

WHEREAS, the members of the Missouri Senate were truly saddened by the death of Show-Me State native James R. Lobbey on Sunday, February 3, 2002, at the age of sixty-two; and

WHEREAS, born on June 15, 1939, in Joplin, Jim Lobbey was a lifelong area resident who graduated from Joplin High School with the class of 1957; attended Missouri Southern State College, where he earned a degree in communications; and devoted the majority of his professional life to broadcasting management; and

WHEREAS, on November 15, 1997, Jim Lobbey took the beautiful hand of the former Christina Christiansen in Las Vegas, Nevada, as the two pledged their love for each other to begin a marital union which was founded on many common interests, including a desire to enliven and invigorate the lives of nursing home residents through participation in a well-received "Therapy Dog Program"; and

WHEREAS, Jim Lobbey began a new phase in his life when he won the August 1998 primary race for Jasper County Clerk, and was hired as a staff member in September of that year to ensure a smooth transition before taking the oath of office on January 1, 1999; and

WHEREAS, known as a great person with whom to work, Jim Lobbey was actively involved with the Midwest Gathering of the Artists, enjoyed using his rich voice in service as an emcee or announcer, and participated in numerous local organizations as a personable and friendly gentleman who had time to spare for everyone; and

WHEREAS, Jim Lobbey leaves behind his beloved wife, Chris, and a stepsister, Gloria Stephens of Joplin:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to remember the well-lived life and selfless labors of Jim Lobbey and to convey to his family members, governmental colleagues, neighbors, and friends this legislative body's sincerest condolences at the passing of his considerable warmth and light from their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late James R. "Jim" Lobbey of Carthage, Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1111-By Quick.

An Act to repeal section 208.631, RSMo, relating to health care for uninsured children, and to enact in lieu thereof one new section relating to the same subject.

SB 1112-By Caskey and Russell.

An Act to repeal sections 44.023, 306.124, 307.177, 407.472, 570.030, 571.020, 574.115 and 578.008, RSMo, relating to terrorism, and to enact in lieu thereof thirty-three new sections relating to the same subject, with an emergency clause and penalty provisions.

SB 1113-By Caskey.

An Act to repeal sections 58.096, 58.260, 58.270, 58.280, 58.290, 58.310, 58.330, 58.340, 58.360, 58.410 and 58.430, RSMo, relating to coroners, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

SB 1114-By Singleton.

An Act to repeal sections 26.220, 26.225, 115.237, 115.239, 115.307, 115.515 and 115.517, RSMo, relating to the joint election of governor and lieutenant governor, and to enact in lieu thereof ten new sections relating to the same subject, with a contingent effective date.

SB 1115-By Dougherty.

An Act to amend chapter 566, RSMo, by adding thereto one new section relating to sex crimes, with penalty provisions.

SB 1116-By Dougherty.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to energy programs for low-income persons.

SB 1117-By Dougherty.

An Act to repeal sections 135.400, 135.403, 135.408, 135.411, 135.423, 348.300 and 348.302, RSMo, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, relating to tax relief in distressed communities, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

SB 1118-By Loudon.

An Act to repeal section 105.452, RSMo, relating to state officeholders and commercials, and to enact in lieu thereof one new section relating to the same subject.

HOUSE BILLS ON THIRD READING

HCS for HBs 1386 and 1038, entitled:

An Act to repeal section 307.173, RSMo, and to enact in lieu thereof one new section relating to tinted windows, with a penalty provision and an emergency clause.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **HCS for HBs 1386 and 1038** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley
Childers

Bland
DePasco

Caskey
Dougherty

Cauthorn
Foster

Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None
 Absent--Senators
 Johnson Quick--2
 Absent with leave--Senators--None
 Vacancies--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Johnson	Quick	Schneider
Singleton--5			
	Absent with leave--Senators--None		
	Vacancies--1		

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 659** be taken up for perfection, which motion prevailed.

Senator House offered **SS** for **SB 659**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 659

An Act to repeal sections 105.269, 160.400, 160.405, 160.410 and 160.420, RSMo, relating to charter schools, and to enact in lieu thereof five new sections relating to the same subject.

Senator House moved that **SS** for **SB 659** be adopted.

Senator Singleton assumed the Chair.

Senator Rohrbach assumed the Chair.

At the request of Senator House, **SB 659**, with **SS** (pending), was placed on the Informal Calendar.

Senator Singleton moved that **SJR 23** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SS** for **SJR 23**, entitled:

SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 23

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri relating to elective state officers, and adopting one new section in lieu thereof relating to the same subject.

Senator Singleton moved that **SS** for **SJR 23** be adopted.

Senator DePasco offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Joint Resolution No. 23, Page 1, Section A, Line 9, by inserting after all of said line the following:

"Section 14. Writs of election to fill vacancies in either house of the general assembly shall be issued by the Governor. **In lieu of a special election, the Governor shall be allowed to appoint a successor from the same political party as the person who vacated the seat.**"; and

Further amend title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator DePasco offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Joint Resolution No. 23, Page 1, Section A, Line 9, by inserting after all of said line the following:

"Section 14. Writs of election to fill vacancies in either house of the general assembly shall be issued by the Governor. **In lieu of a special election, the Governor shall be allowed to appoint a successor from the same political party as the person who vacated the seat from a three member panel submitted by the governing legislative committee.**"; and

Further amend title and enacting clause accordingly.

Senator DePasco moved that the above substitute amendment be adopted.

At the request of Senator Singleton, **SJR 23**, with **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senators Loudon, Kinder, Childers, Sims, Russell and Gross offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1005

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his adult life serving freedom and advancing the public good as an entertainer, Union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan was inaugurated the fortieth president of the United States in 1981, in which capacity he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, Ronald Reagan was elected to a second term in office by a landslide victory unprecedented in American history, winning forty-nine of the fifty states in the 1984 general election; and

WHEREAS, during his presidency, Ronald Reagan worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and boundless opportunity for a multitude of Americans; and

WHEREAS, Ronald Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" precipitated the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, Ronald Reagan will attain the age of 91 on February 6, 2002:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the outstanding leadership provided by Ronald Reagan during his eight years as president of the United States, to express deep gratitude for his achievements on behalf of this nation, and to wish him well upon the occasion of his Ninety-first Birthday; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for President Ronald Wilson Reagan.

Senator Schneider offered Senate Resolution No. 1006, regarding Stephen D. Kimball, Hazelwood East High School, which was adopted.

REFERRALS

President Pro Tem Kinder referred **SCR 43** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SB 650**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 1119-By Johnson.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to security of state owned buildings.

SB 1120-By Yeckel.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to committees organized to influence congressional apportionment.

SB 1121-By Yeckel.

An Act to repeal sections 130.016 and 130.037, RSMo, and to enact in lieu thereof two new sections relating to campaign finance filing requirements.

SB 1122-By Foster.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

SJR 33-By Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri relating to powers and duties of the state highways and transportation commission, and adopting two new sections in lieu thereof relating to the same subject.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 727** and **703**.

Emergency clause adopted.

Bill ordered enrolled.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Nicola Longford, St. Louis.

Senator Bentley introduced to the Senate, Bernadette Miller, Springfield.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Norman P. Knowlton, III, M.D., Springfield.

Senator Bentley introduced to the Senate, Joy Behrens, Angie Forck, Karen Mason, Carolyn Roof, Linda Turner and Pam Hanaberry, Springfield.

Senator Steelman introduced to the Senate, Dr. Jeff Kerr, his wife, Sandy, and their children Jennifer and Ashley, Rolla.

Senator Westfall introduced to the Senate, Jason Haynes, Mt. Vernon.

Senator Steelman introduced to the Senate, Tera Bock and Mandy Custard, New Bloomfield.

Senator Kinder introduced to the Senate, Dan Overby, Cape Girardeau.

Senator Westfall introduced to the Senate, students from Polk County Christian School, Bolivar.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTEENTH DAY-THURSDAY, FEBRUARY 7, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1079-Bland

SB 1081-Bland

SB 1083-Russell

SB 1084-Stoll

SB 1085-Yeckel

SB 1086-DePasco

SB 1087-Gibbons, et al

SB 1088-Foster, et al

SB 1089-Goode

SB 1090-Loudon

SB 1091-Loudon

SB 1092-Loudon

SB 1093-Loudon

SB 1094-Russell

SB 1095-Cauthorn

SB 1096-Kennedy

SB 1097-Kennedy and Stoll

SB 1098-Steelman

SB 1099-Childers

SB 1100-Childers, et al

SB 1101-Kenney, et al

SB 1102-Westfall

SB 1103-Westfall, et al

SB 1104-Mathewson

SB 1105-Loudon

SB 1106-Klarich

SB 1107-Childers

SB 1108-Kennedy

SB 1109-Yeckel

SB 1110-Steelman

SB 1111-Quick

SB 1112-Caskey and Russell

SB 1113-Caskey

SB 1114-Singleton

SB 1115-Dougherty

SB 1116-Dougherty

SB 1117-Dougherty

SB 1118-Loudon

SB 1119-Johnson

SB 1120-Yeckel

SB 1121-Yeckel

SB 1122-Foster

SJR 33-Loudon

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

THIRD READING OF SENATE BILLS

SS#2 for SB 650-Singleton

SENATE BILLS FOR PERFECTION

1. SB 712-Singleton and

Sims, with SCS

2. SB 1009-Rohrbach, with SCS

3. SBs 970, 968, 921, 867,

868 & 738-Westfall,

et al, with SCS

4. SB 931-Klarich, with SCS

5. SB 722-Bentley, with SCS

6. SB 856-Russell

7. SB 895-Yeckel and Gross

8. SB 675-Yeckel, et al,
with SCS

9. SB 881-Steelman and
Yeckel, with SCS

10. SBs 641 & 705-Russell,
et al, with SCS

11. SBs 721, 757, 818 &
930-Westfall, with SCS

12. SB 665-Kenney

13. SB 836-Gross and
Dougherty, with SCS

14. SB 840-Gross and
Russell, with SCS

15. SB 740-Wiggins

16. SB 687-Gibbons and
Yeckel

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 3 (pending)

SB 668-Bentley, with SS

(pending)

SBs 958 & 657-Kinder,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 758-Bentley

SB 720-Westfall

SB 644-Mathewson and Yeckel

SB 701-Wiggins

SB 737-Cauthorn and

Russell, with SCS

SB 745-Russell, with SCS

SB 669-Bentley, with SCS

SB 726-Childers

SB 896-Yeckel

Reported 1/29

SB 702-Caskey

SB 695-Dougherty and Sims

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 893-Rohrbach

SB 804-DePasco, with SCS

SB 645-Mathewson, with SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

RESOLUTIONS

Reported from Committee

SCR 38-Klarich

Journal of the Senate

SECOND REGULAR SESSION

EIGHTEENTH DAY--THURSDAY, FEBRUARY 7, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"I declare that your steadfast love is established forever; your faithfulness is as firm as the heavens." (Psalm 89:2)

Gracious God, we bring another week to a close and pray that we have made good use of our time here. Those things we have done according to Your will, please bless O Lord. And we pray, watch over our "going out and coming in" and please bless those You have given us to love. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 1007, regarding Robert D. "Bob" Drummond, St. Louis, which was adopted.

Senator Foster offered Senate Resolution No. 1008, regarding Dorothy W. Buford, Doniphan, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1123-By Staples.

An Act to repeal sections 306.010, 306.016, 306.100, 306.112, 306.114, 306.116, 306.117, 306.119, 306.124, 306.125, 306.126, 306.140, 306.142 and 306.165, RSMo, relating to watercraft regulations, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

SB 1124-By Dougherty.

An Act to authorize the governor to convey certain property in the city of St. Louis.

SB 1125-By Steelman.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to physician contractual relationships.

SB 1126-By Quick.

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to removal of weeds.

SB 1127-By Johnson, Bentley, Bland, Childers, Wiggins, Caskey, Kinder, Staples, DePasco, Stoll, House, Westfall, Mathewson, Kennedy, Sims, Kenney, Steelman, Yeckel, Loudon, Cauthorn, Foster and Russell.

An Act to repeal section 620.467, RSMo, relating to tourism, and to enact in lieu thereof one new section relating to the same subject.

THIRD READING OF SENATE BILLS

SS No. 2 for **SB 650**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 650

An Act to repeal section 556.036, RSMo, relating to sexual offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

Was taken up by Senator Singleton.

On motion of Senator Singleton, **SS No. 2** for **SB 650** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell

Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
 Absent--Senators--None
 Absent with leave--Senators--None
 Vacancies--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Goode--1		
	Absent with leave--Senators--None		
	Vacancies--1		

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 668**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Foster moved that the vote by which **SA 1** to **SS** for **SB 668** was adopted be reconsidered, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Goode
House	Jacob	Johnson	Mathewson
Quick	Russell	Sims	Staples
Stoll	Westfall--18		
	NAYS--Senators		

DePasco	Gibbons	Gross	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Schneider	Singleton
Steelman	Wiggins	Yeckel--15	
	Absent--Senators--None		
	Absent with leave--Senators--None		
	Vacancies--1		

SA 1 was again taken up.

Senator Bentley requested a roll call vote be taken on the adoption of **SA 1** and was joined in her request by Senators Childers, Mathewson, Sims and Wiggins.

At the request of Senator Bentley, **SB 668**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Jacob inquired of the President if there were messages from the Governor and, being informed that there were, requested that the messages from the Governor be read.

The President instructed the Secretary to read the messages.

Senator Klarich raised the point of order that under the provisions of Senate Rule 4, the Senate is not on that order of business.

At the request of Senator Klarich, his point of order was withdrawn.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 9, 2002 for your advice and consent:

Solomon Agin, Republican, 14194 Parliament Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Solomon Agin, withdrawn.

Charles W. Tyler, 4031 Botanical, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Charles W. Tyler, withdrawn.

Derek V. Alvarez, 8 Pine View Lane, Post Office Box 1097, Lake Ozark, Miller County, Missouri 65049, as a member of the Missouri Board of Therapeutic Massage, for a term ending June 17, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Valerie R. Taylor, Democrat, 2957 Franklin Avenue, St. Louis City, Missouri 63106, as a member of the State Board of Senior Services, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 660.062.

Mark Graviett, 9709 North Virginia Avenue, Kansas City, Clay County, Missouri 64155, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Mark Graviett, withdrawn.

Joan L. Berkman, Republican, 180 North Brentwood Boulevard, Clayton, St. Louis County, Missouri 63105, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until her successor is duly appointed and qualified; vice, Joan L. Berkman, withdrawn.

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Kathy A. Surratt-States, withdrawn.

Jerry T. Duvall, 803 Commercial, Belton, Cass County, Missouri 64012, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Bobby J. Blue, Democrat, 606 East 127th Street, Kansas City, Jackson County, Missouri 64145, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

James E. O'Mara, Democrat, 214 Summit Ridge Place, St. Charles, St. Charles County, Missouri 63304, as a member of the Missouri Development Finance Board, for a term ending September 14, 2004, and until his successor is duly appointed and qualified; vice, Martin Harrington, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 9, 2002 for your advice and consent:

Renee T. Slusher, Democrat, 312 Oakridge Court, Columbia, Boone County, Missouri 65203, as the Chairperson of the Labor and Industrial Relations Commission, for a term ending June 27, 2006, and until her successor is duly appointed and qualified; vice, John P. Madigan, Jr., resigned.

Respectfully submitted,

BOB HOLDEN

Governor

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 35**, begs

leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 40**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 727** and **703**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SBs 727** and **703**, and **HCS** for **HBs 1386** and **1038**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SBs 727** and **703**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

Senator Gross assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Paula Penny Stringer, Theodore Wenzlick, Lai Lily Ko and Lynn R. Mims, as members of the Missouri Community Service Commission;

Also,

William M. Fry, Diliane M. Charles and Daniel L. Vornberg, as members of the Advisory Committee on Lead Poisoning;

Also,

Lewis C. Chartock, Ph.D., as a member of the Missouri Training and Employment Council;

Also,

Jeffrey A. Kerr, D.O., Marie S. Nowak, Mary E. Updyke, R.D. and James M. Caccamo, Ph.D., as members of the State Board of Senior Services;

Also,

James M. Giles, as a member of the State Historical Records Advisory Board;

Also,

Deborah K. Waller, as a member of the State Board of Cosmetology;

Also,

Randy Mooney, as a member of the State Milk Board;

Also,

Bernadette A. Miller, as a member of the Missouri Veterans' Commission;

Also,

Jean-Paul Chaurand, as a member of the Missouri Minority Business Advocacy Commission;

Also,

Melinda Dolan Sanders, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Jacquelyn D. White, as Commissioner of the Office of Administration;

Also,

Gayle J. Fritz, as a member of the Unmarked Human Burial Consultation Committee;

Also,

Nicola Longford, as a member of the State Historical Records Advisory Board;

Also,

John R. Chapman, as a member of the Workers' Compensation Determination Review Board;

Also,

Dorn B. Schuffman, as Director of the Department of Mental Health;

Also,

James R. Ritter, Ed.D., as a member of the Missouri Training and Employment Council;

Also,

Alma G. McKinney, as Director of the Division of Personnel for the Office of Administration;

Also,

Judith H. Miles, M.D., as a member of the Missouri Genetic Advisory Committee;

Also,

Arthur A. Bante, as a member of the Missouri State Board of Nursing;

Also,

John A. Birch, as Chairman of the State Board of Mediation;

Also,

Andrea J. Lawrence, as a member of the Missouri Real Estate Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Maxwell assumed the Chair.

President Pro Tem Kinder moved that the appointments of Solomon Agin, as a member of the Missouri Community Service Commission; Charles W. Tyler and Mark Graviett, as members of the Advisory Committee on Lead Poisoning; Derek V. Alvarez, as a member of the Missouri Board of Therapeutic Massage; Valerie R. Taylor, as a member of the State Board of Senior Services; Joan L. Berkman, as a member of the Missouri Community Service Commission; Kathy A. Surratt-States, as a member of the Board of Election Commissioners for St. Louis City; Jerry T. Duvall, as a member of the Kansas City Area Transportation Authority; Bobby J. Blue, as a member of the Unmarked Human Burial Consultation Committee; and James E. O'Mara, as a member of the Missouri Development Finance Board, be returned to the Governor, pursuant to his request, which motion prevailed.

Senator Mathewson moved that the appointment of Renee T. Slusher, as the Chairperson of the Labor and Industrial Relations Commission be returned to the Governor, per his request.

Senator Kenney moved that the motion made by Senator Mathewson lay on the table.

Senator Jacob rose to be recognized to speak on the motion to lay on the table.

Senator Kenney raised the point of order that under the provisions of Senate Rule 72, a motion to lay on the table is not debatable.

The point of order was referred to the President Pro Tem, who took it under advisement.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1154**, entitled:

An Act to repeal section 211.011, RSMo, and to enact in lieu thereof one new section relating to the purpose of chapter 211, RSMo.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 7**.

HOUSE CONCURRENT RESOLUTION NO. 7

WHEREAS, the horrific terrorist attacks of September 11, 2001, and the subsequent anthrax outbreak have had a profound affect on federal and state governments and constituencies; and

WHEREAS, the General Assembly of the State of Missouri is aware that most public health departments do not have the financial resources to respond to an event of the magnitude of this disaster; and

WHEREAS, many state budgets are in a deficit situation, with cuts occurring in public health; and

WHEREAS, the General Assembly of the State of Missouri recognizes that the communication and coordination between federal, state, and local health departments and governments must be improved to provide preparation, response, and continuum of care when handling an emergency situation:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby request the United States Congress and the Department of Health and Human Services to provide financial support for each state, particularly at the local health district level which would likely be the line of first response in the event of an act of bioterrorism; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Secretary of the Department of Health and Human Services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1519**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of patriots day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1192**, entitled:

An Act to repeal section 349.010, RSMo, and to enact in lieu thereof one new section relating to industrial development corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Steelman introduced to the Senate, Bud Dean, Rolla.

Senator Westfall introduced to the Senate, Larry Bock, Jackson.

Senator Foster introduced to the Senate, Dunklin County Commissioners Patrick McHaney and Don Collins, Kennett; and Jeanie Herbst, Malden.

Senator Staples introduced to the Senate, Commissioners Dennis (Toupie) Huck, St. Genevieve County; Ron Murphy and Reggie Burns, Iron County; Shane Van Steenis and Dean Cox, Shannon County; Leo Warren, Oregon County; Robert Mooney, Madison County; and Jesse Roy and Jerry Halley, Ripley County.

Senator Rohrbach introduced to the Senate, his nephew, Tony Barry and Kim Roll, Moniteau County Commissioners.

Senator Steelman introduced to the Senate, Joe Whetstine, Linda Garrett and Raymond Garrett, Texas County.

Senator Cauthorn introduced to the Senate, Macon County Commissioners Craig Jones, Ronnie Switzer and Drew Belt.

Senator Foster introduced to the Senate, Robby Myers, Poplar Bluff.

Senator Rohrbach introduced to the Senate, Miller County Commissioners John Klindt and Dave Whittle.

Senator Kinder introduced to the Senate, former U.S. Representative Frank Riggs, Sonoma, California; and Tom Frey and Mark Spencer, Phoenix, Arizona.

Senator Childers introduced to the Senate, County Commissioners from Christian, Lawrence, Ozark, Taney, Barry and Stone counties.

Senator Jacob introduced to the Senate, Don Stamper, Columbia.

Senator Johnson introduced to the Senate, Andrew County Commissioners and their wives.

Senator Loudon introduced to the Senate, Jean Denatale, Robin Porzelt, Wendy Van Dyke and Helen Fields, and students from Bridgeway School, Bridgeton; and Shelby Kardell, David LaBeaume, Tamara Hart and Dillon Dedert were made honorary pages.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Ted Groshong, M.D., Columbia.

Senator Singleton introduced to the Senate, Roy Carter, Mrs. Jackson, Mrs. Graham and 50 fourth grade students from Benton Elementary School.

Senator Dougherty introduced to the Senate, Senator-elect Maida Coleman, St. Louis.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 11, 2002.

SENATE CALENDAR

NINETEENTH DAY-MONDAY, FEBRUARY 11, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1079-Bland

SB 1081-Bland

SB 1083-Russell

SB 1084-Stoll

SB 1085-Yeckel and Childers

SB 1086-DePasco

SB 1087-Gibbons, et al

SB 1088-Foster, et al

SB 1089-Goode

SB 1090-Loudon

SB 1091-Loudon

SB 1092-Loudon

SB 1093-Loudon

SB 1094-Russell

SB 1095-Cauthorn

SB 1096-Kennedy

SB 1097-Kennedy and Stoll

SB 1098-Steelman

SB 1099-Childers

SB 1100-Childers, et al

SB 1101-Kenney, et al

SB 1102-Westfall

SB 1103-Westfall, et al

SB 1104-Mathewson

SB 1105-Loudon

SB 1106-Klarich

SB 1107-Childers

SB 1108-Kennedy

SB 1109-Yeckel

SB 1110-Steelman

SB 1111-Quick

SB 1112-Caskey and Russell

SB 1113-Caskey

SB 1114-Singleton

SB 1115-Dougherty

SB 1116-Dougherty

SB 1117-Dougherty

SB 1118-Loudon

SB 1119-Johnson

SB 1120-Yeckel

SB 1121-Yeckel

SB 1122-Foster, et al

SB 1123-Staples

SB 1124-Dougherty

SB 1125-Steelman

SB 1126-Quick

SB 1127-Johnson, et al

SJR 33-Loudon

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and

Boucher

SENATE BILLS FOR PERFECTION

1. SB 712-Singleton and
Sims, with SCS

2. SB 1009-Rohrbach,
with SCS

3. SBs 970, 968, 921, 867,
868 & 738-Westfall,
et al, with SCS

4. SB 931-Klarich, with SCS

5. SB 722-Bentley, with SCS

6. SB 856-Russell

7. SB 895-Yeckel and Gross

8. SB 675-Yeckel, et al,
with SCS

9. SB 881-Steelman and
Yeckel, with SCS
10. SBs 641 & 705-Russell,
et al, with SCS
11. SBs 721, 757, 818 &
930-Westfall, with SCS
12. SB 665-Kenney
13. SB 836-Gross and
Dougherty, with SCS
14. SB 840-Gross and
Russell, with SCS
15. SB 740-Wiggins
16. SB 687-Gibbons and Yeckel

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 651-Singleton and
Russell, with SCS (pending)
- SB 659-House and Kenney,
with SS (pending)
- SB 660-Westfall, et al,
with SCS (pending)
- SBs 662 & 704-Westfall,
with SCS & SA 3 (pending)
- SB 668-Bentley, with SS &
SA 1 (pending)

SBs 958 & 657-Kinder,
with SCS

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 758-Bentley
SB 720-Westfall
SB 644-Mathewson and Yeckel
SB 701-Wiggins
SB 737-Cauthorn and Russell, with SCS

SB 745-Russell, with SCS
SB 669-Bentley, with SCS
SB 726-Childers
SB 896-Yeckel

Reported 1/29

SB 702-Caskey

SB 695-Dougherty and Sims

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 893-Rohrbach

SB 804-DePasco, with SCS

SB 645-Mathewson, with SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

RESOLUTIONS

To be Referred

HCR 7-Boykins and Barry

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

SCR 37-Dougherty

SCR 40-Sims

Journal of the Senate

SECOND REGULAR SESSION

NINETEENTH DAY--MONDAY, FEBRUARY 11, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Is anything too wonderful for the Lord?" (Genesis 18:14a)

Dear God, we know life is filled with challenges and obstacles and tunnels that seem to have no light at the end of them. Yet hearing Your word in Genesis we are assured that You are with us and that there is nothing too hard for us to accomplish with Your assistance. So please guide us this week with our doubts knowing that all things are possible with Your help. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 7, 2002, was read approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 1009, regarding Jody J. Bush, Troy, which was adopted.

Senator House offered Senate Resolution No. 1010, regarding Robert Tiesing, St. Charles, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1011, regarding Larry W. Wilson, Jefferson City, which was adopted.

Senator Bentley offered Senate Resolution No. 1012, regarding Gordon McCann, Springfield, which was adopted.

Senator Steelman offered Senate Resolution No. 1013, regarding the Rolla Public School District, which was adopted.

Senator Steelman offered Senate Resolution No. 1014, regarding the One Hundred First Birthday of Goldie Foster, Owensville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1015, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James V. Harbison, Sr., Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1016, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Aubrey Suter, Wyaconda, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1017, regarding Robert J. Vickers, Clarence, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1018, regarding the Sixty-second Wedding Anniversary of Mr. and Mrs. Fred Brown, Center, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1019, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. John Robert Wienhoff, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1020, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Merlyn Gardner, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1021, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Keith, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1022, regarding Michael Johnson, which was adopted.

Senator Caskey offered the following resolution, which was read:

SENATE RESOLUTION NO. 1023

WHEREAS, the members of the Missouri Senate strive to maintain the ethical integrity of the institution to which they were elected by the citizens of this state; and

WHEREAS, ethical considerations are part of any decisions regarding the hiring of staff personnel, particularly in the highest office of this body; and

WHEREAS, section 105.452, RSMo, prohibits any employee from using confidential information obtained in the course of employment with the intent to result in financial gain for any business with which he is associated; and

WHEREAS, financial disclosure reports of political committees shall, pursuant to law, file accurate and complete reports of expenditures, including the amount of indebtedness and the purpose of any expenditures, with potential civil and criminal penalties for violations; and

WHEREAS, section 105.483, RSMo, requires any decision making public servant to file financial interest statements; and

WHEREAS, the Code of Conduct for the staff of the Senate prohibits employees from using their positions "in a manner designed to create personal gain,...abuse the privileges of Senate employment, or be untruthful to the Senate"; and

WHEREAS, the Senate Code of Conduct further holds staff to a high standard of knowledge and conduct with regard to the law; and

WHEREAS, the office of the President Pro Tem has a duty to all Senators regardless of political party, and any conduct of political activity on the part of staff of the Pro Tem presents an inherent conflict of interest; and

WHEREAS, the Chief of Staff for President Pro Tem Peter Kinder maintains ownership interest in a political consulting corporation which has publicly reported to have experienced substantial financial gain during his tenure of employment with the Senate; and

WHEREAS, serious concerns have been raised concerning an inherent conflict of interest in the dual roles of the Chief of Staff for President Pro Tem Peter Kinder, which warrant inquiry by the members of the Senate;

NOW THEREFORE BE IT RESOLVED, that we, the members of the Missouri Senate, Ninety-first General Assembly, hereby request a full and fair public investigation and subsequent report by the Senate Committee on Rules, Joint Rules, Resolutions and Ethics to ascertain the exact nature and extent of the financial interest held by the Chief of Staff for President Pro Tem Peter Kinder in an political consulting company, whether such financial interest presents the appearance or existence of ethical, civil or criminal violations, and whether relevant information concerning such financial interest was purposely omitted from financial disclosure reports; and

BE IT FURTHER RESOLVED that we hereby request that an open hearing of the Committee on Rules, Joint Rules, Resolutions and Ethics be convened the week of February 11, 2002, as immediate action is necessary to protect the integrity and honor of the Missouri Senate.

Senator Caskey moved that the above resolution be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dougherty, Kennedy, Mathewson and Stoll.

Senator Kinder offered a substitute motion that **SR 1023** be referred to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Caskey requested a roll call vote be taken on the substitute motion made by Senator Kinder and was joined in his request by Senators Kenney, Kinder, Mathewson and Wiggins.

The substitute motion made by Senator Kinder was adopted by the following vote:

YEAS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		
NAYS--Senators			
Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Kennedy	Mathewson	Quick	Staples
Stoll	Wiggins--14		
Absent--Senators--None			
Absent with leave--Senator Schneider--1			
Vacancies--1			

CONCURRENT RESOLUTIONS

Senators Cauthorn, Gross, Kinder, House, Foster, Klindt and Stoll offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 44

WHEREAS, the state of Missouri borders 488 miles of the Mississippi River; and

WHEREAS, many of Missouri's locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times and causing lengthy delays and ultimately increasing shipping costs; and

WHEREAS, the use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion and modernizing the inland waterways; and

WHEREAS, the construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois' river basin, and today supplies more than 300 million tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

WHEREAS, more than 60 percent of American agricultural exports including corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

WHEREAS, Missouri farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs compared to those incurred by foreign competitors; and

WHEREAS, the Upper Mississippi and Illinois lock and dam system saves our nation more than \$1.5 billion in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

WHEREAS, according to the U.S. Army Corps of Engineers, congestion along the Upper Mississippi and Illinois rivers is costing Missouri and other producers and consumers in the basin \$98 million per year in higher transportation costs; and

WHEREAS, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35 to 60 percent fewer pollutants than either trucks or trains, according to the U.S. EPA; and

WHEREAS, moving away from river transport would add millions of trucks and rail cars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

WHEREAS, backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

WHEREAS, the lakes and 500 miles of wildlife refuge also support a \$1 billion-a-year recreational industry, including hunting, fishing, and tourism jobs; and

WHEREAS, upgrading the system of locks and dams on the Upper Mississippi and Illinois rivers will provide 3,000 high-paying construction and related jobs over a 15-20 year period with health benefits, which will benefit, not only those directly employed, but the local health care systems and economies of the communities in which these individuals live and work; and

WHEREAS, in 1999 the state of Missouri shipped 18.8 million tons of commodities including grain, coal, chemicals, aggregates, and other products; and

WHEREAS, 38.6 million tons of commodities including grain, coal, chemicals, aggregates, and other products were shipped to, from, and within Missouri by barge, representing \$4.2 billion in value; and

WHEREAS, shippers moving by barge in Missouri realized a savings of approximately \$380 million compared to other transportation modes; and

WHEREAS, Missouri docks shipped products by barge to 18 states and received products from 17 states; and

WHEREAS, the Port of Metropolitan St. Louis shipped and received 32.6 million tons of commodities in 1999 worth over \$5 billion and is the second busiest inland port in the United States, linking rural Missouri and St. Louis with world markets; and

WHEREAS, there are approximately 183 manufacturing facilities, terminals, and docks on the waterways of Missouri, representing thousands of jobs in the state; and

WHEREAS, the Missouri General Assembly recognizes the importance of inland waterway transportation to Missouri agriculture and industry in the state, the region, and the nation:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to authorize funding for modernization of lock and dam infrastructure in order to construct 1,200-foot locks on the Upper Mississippi and Illinois Rivers' Inland Waterways Transportation System; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, the Chair of the Senate Committee on Commerce, Science and Transportation, the Chair of the House Committee on Transportation and Infrastructure and the members of the Missouri Congressional delegation.

Senator Sims moved that **SCR 40** be taken up for adoption, which motion prevailed.

On motion of Senator Sims, **SCR 40** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senator Schneider--1		
	Vacancies--1		

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and 1,000 copies ordered printed:

SB 1128-By Johnson.

An Act to repeal section 67.1004, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

SB 1129-By Johnson.

An Act to repeal section 67.669, RSMo, relating to economic development, and to enact in lieu thereof one new section relating to the same subject.

SB 1130-By House.

An Act to amend chapter 507, RSMo, by adding thereto one new section relating to legislative intervention in judicial proceedings.

SB 1131-By Gibbons.

An Act to repeal sections 386.025, 393.295, 393.700, 393.705, 393.715, 393.725, 393.740 and 393.765, RSMo, relating to joint municipal utility projects, and to enact in lieu thereof five new sections relating to the same subject.

SB 1132-By Kennedy.

An Act to repeal section 193.065, RSMo, relating to local registrars, and to enact in lieu thereof one new section relating to the same subject.

SB 1133-By Gross.

An Act to repeal sections 104.050, 104.095, 104.110, 104.140, 104.250, 104.270, 104.335, 104.344, 104.350, 104.374, 104.380, 104.400, 104.436, 104.438, 104.515, 104.540, 104.601, 104.620, 104.1018, 104.1021, 104.1039, 104.1054, 104.1072, 104.1075, 104.1200, 104.1210 and 476.517, RSMo, and to enact in lieu thereof twenty-eight new sections relating to public retirement systems.

SB 1134-By Yeckel.

An Act to amend chapter 144, RSMo, by adding thereto eleven new sections relating to taxation of controlled substances.

SB 1135-By Yeckel and Loudon.

An Act to repeal sections 188.080 and 197.200, RSMo, relating to protection of recipients of medical services, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 1136-By Bentley and Stoll.

An Act to repeal section 163.011, RSMo, relating to state aid, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 1137-By Bentley.

An Act to repeal sections 193.015, 193.045, 193.065, 193.085, 193.087, 193.115, 193.125, 193.145, 193.225, 193.245, 193.265, 473.697 and 490.620 RSMo, relating to electronic creation and access to birth and death records, and to enact in lieu thereof thirteen new sections relating to the same subject.

SB 1138-By Childers.

An Act to amend chapter 321, RSMo, by adding thereto three new sections relating to ambulance and fire protection districts.

SJR 34-By Gibbons.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the Constitution of Missouri relating to political subdivision revenue bonds for utility, industrial and airport purposes, and adopting one new section in lieu thereof relating to the same subject.

SJR 35-By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits.

THIRD READING OF SENATE BILLS

SB 758, introduced by Senator Bentley, entitled:

An Act to repeal section 589.400, RSMo, relating to registration of offenders, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 758** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Schneider--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 720, introduced by Senator Westfall, entitled:

An Act to repeal sections 52.300 and 54.330, RSMo, relating to bonds for deputies for county collectors and treasurer ex officio collectors, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 720** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Singleton

Staples--2

Absent with leave--Senator Schneider--1

Vacancies--1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 5**.

HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, American Sign Language (ASL) has been appropriately recognized by the Missouri General Assembly as "a fully developed, autonomous, unique, visual-gestural language with its own syntax, rhetoric, grammar and morphology" (Section 209.285, RSMo); and

WHEREAS, there are an estimated 546,000 persons in Missouri who are deaf or hard of hearing, of whom approximately 10,000 have American Sign Language (ASL) as their first or native language; and

WHEREAS, the Missouri General Assembly truly values the socio, cultural, ethnic, and linguistic diversity of its citizenry:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize American Sign Language as the first or native language of many of its deaf and hard of hearing citizens; and

BE IT FURTHER RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the Governor to establish by executive order an annual "Deaf Awareness Week" to be held in September of each year to coincide with the International Deaf Awareness Week, at which time the language, culture, and contributions of Missouri's deaf and hard of hearing citizens will be recognized; recognize the diversity of deaf and hard of hearing citizens, including both the oral deaf and the signing deaf; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Bob Holden.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 6**.

HOUSE CONCURRENT RESOLUTION NO. 6

WHEREAS, on September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth into the ground in Pennsylvania; and

WHEREAS, thousands of innocent Americans were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers and bystanders; and

WHEREAS, these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken its resolve;

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, recommend that Congress condemns in the strongest possible terms the terrorists who planned and carried out the September 11, 2001, attacks against the United States, as well as their sponsors; that we extend our deepest condolences to the victims of these heinous and cowardly attacks, as well as to their families, friends and loved ones; that the people of Missouri will stand united as our Nation begins the process of recovering and rebuilding in the aftermath of these tragic acts; that we commend the heroic action of the rescue workers, volunteers, and State and local officials who responded to these tragic events with courage, determination, and skill; that we declare that these premeditated attacks struck not only at the people of America, but also at the symbols and structures of our economic and military strength, and that the United States is entitled to respond under international law; that we extend our thanks to those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks, and ask them to continue to stand with the United States in the war against international terrorism; that we commit to support increased resources in the war to eradicate terrorism; and that we support the determination of the President, in close consultation with Congress, to bring to justice and punish the perpetrators of these attacks as well as their sponsors; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for members of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Solomon Agin, Republican, 14194 Parliament Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Solomon Agin, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bobby J. Blue, Democrat, 606 East 127th Street, Kansas City, Jackson County, Missouri 64145, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2004, and until his successor is duly appointed and qualified; vice, Bobby J. Blue, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerry T. Duvall, 803 Commercial, Belton, Cass County, Missouri 64012, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, Jerry T. Duvall, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark Graviett, 9709 North Virginia Avenue, Kansas City, Clay County, Missouri 64155, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Mark Graviett, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James E. O'Mara, Democrat, 214 Summit Ridge Place, St. Charles, St. Charles County, Missouri 63304, as a member of the Missouri Development Finance Board, for a term ending September 14, 2004, and until his successor is duly appointed and qualified; vice, James E. O'Mara, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Kathy A. Surratt-States, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Valerie R. Taylor, Democrat, 2957 Franklin Avenue, St. Louis City, Missouri 63106, as a member of the State Board of Senior Services, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, Valerie R. Taylor, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles W. Tyler, 4031 Botanical, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Charles W. Tyler, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald L. Bobo, Sr., Democrat, 1130 Olivaire Lane, Olivette, St. Louis County, Missouri 63132, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, Charles Braithwait, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dwayne A. Crompton, Democrat, 11705 Summit, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry D. Furbeck, Republican, 22420 Jordan Road, Dearborn, Platte County, Missouri 64439, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen R. Goff, D.V.M., Republican, 607 South High Street, Grant City, Worth County, Missouri 64456, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2004, and until his successor is duly appointed and qualified; vice, R. Thomas Dunn, D.V.M., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jasper Kee, 600 East 8th Street #102, Kansas City, Jackson County, Missouri 64106, as a member of the State Board of Barber Examiners, for a term ending April 5, 2005, and until his successor is duly appointed and qualified; vice, Albert Santoscoy, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lori L. Williamson-Kruse, 1302 Bradford Road, Willow Springs, Texas County, Missouri 65793, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2003, and until her successor is duly appointed and qualified; vice, Patricia Monteleone, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 7, 2002

REORGANIZATION PLAN NO. 1

2002

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2002, by Executive Order 02-03, providing for the re-establishment of the Motor Carrier Services Unit in the Department of Transportation.

Respectfully submitted,

BOB HOLDEN

Governor

EXECUTIVE ORDER

02-03

WHEREAS, the Department of Transportation's Motor Carrier Services Unit is currently the state agency designated to issue permits to commercial motor vehicles for oversize and overweight vehicles, conduct the house-moving permit system, and issue bridge-stress studies and administer other road-safety programs for the citizens of Missouri; and

WHEREAS, the Department of Economic Development, Division of Motor Carrier and Railroad Safety currently administers the Federal Single State Registration Program (SSRS) for commercial motor vehicles, the railroad and light rail safety program, the regulation of household goods and passenger transportation, and other safety, insurance and training programs in relation to commercial motor vehicles for the citizens of Missouri, and

WHEREAS, the Department of Revenue, Highway Reciprocity Commission provides commercial motor vehicle apportioned license plates

through the International Registration Plan (IRP), cab cards, and International Fuel Tax (IFTA) licenses, and temporary trip permits to commercial motor vehicles and administers the provision of such services to its clients; and

WHEREAS, the Department of Natural Resources issues hazardous waste transporter licenses and waste tire hauling permits to commercial motor vehicles for the hauling of such material for the benefit of Missouri citizens; and

WHEREAS, these agencies have worked closely together in the past; and

WHEREAS, consolidation of the commercial motor vehicle licensing and permit programs currently administered by the Division of Motor Carrier and Railroad Safety, the Highway Reciprocity Commission, the Department of Transportation's Motor Carrier Services Unit, and the Department of Natural Resources' hazardous waste transporter licensing and waste tire permit functions in one state agency will benefit the citizens of the state by promoting efficiency and eliminating duplication of activities and administrative costs; and

WHEREAS, the Department of Transportation currently compiles statistical information which is essential to the efficient operation of the transportation system; and

WHEREAS, combining the research and analysis functions of the Department of Transportation with other commercial motor vehicle licensing and permitting programs will result in a single point of contact for the motor carrier industry and a better consolidation of the functions relating to commercial motor vehicle licensing, permitting, regulation, safety and travel and would benefit the citizens of the state by further promoting safer and more efficient use of our highways by commercial motor vehicles.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and laws of the state of Missouri, do hereby re-establish the Motor Carrier Services Unit within the Department of Transportation. Said unit shall be designated to receive highway funds, shall administer programs under the federally mandated IRP, IFTA and SSRS agreements, and shall otherwise coordinate and administer the commercial motor vehicle licensing and permitting activities in order to improve transportation safety and customer satisfaction for the citizens of the state of Missouri.

All the authority, powers, permits, licenses, credentials, functions, records, personnel, property, receipts, contracts, and matters pending and other pertinent vestiges of the: 1. Division of Motor Carrier and Railroad Safety within the Department of Economic Development, and 2. Highway Reciprocity Commission within the Department of Revenue are hereby transferred by a Type I transfer to the Division of Motor Carrier Services within the Department of Transportation. The authority of the Administrative Law Judge shall be as currently provided in statute.

All the authority, powers, permits, licenses, credentials, functions, records, contracts, and matters pending and other pertinent vestiges of issuing hazardous waste transporter licenses and waste tire hauling permits within the Department of Natural Resources are also hereby transferred by a Type I transfer to the Motor Carrier Services Unit within the Department of Transportation. The personnel, receipts and property of this unit will remain at the Department of Natural Resources. The Department of Natural Resources shall continue to exist and perform its functions and duties related to the preservation of the state's land and water resources with the exception of issuing hazardous waste transporter licenses and waste tire hauling permits, for which it shall contract with the Department of Transportation.

The Motor Carrier Services Unit shall maintain a working relationship with the Department of Natural Resources for future improvements and upgrades to the hazardous waste transporter licensing and waste tire hauling permitting functions. The Division of Motor Carrier and Railroad Safety within the Department of Economic Development and the Highway Reciprocity Commission within the Department of Revenue are abrogated.

There shall be coordination between the training, licensing, permitting, and audit programs performed by the Department of Revenue, the Department of Natural Resources and the Motor Carrier Services Unit. There shall also be coordination between the motor vehicle insurance functions of the Department of Revenue and the Motor Carrier Services Unit.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed this Great Seal of the State of Missouri, in the City of Jefferson on this 7th day of February, 2002.

BOB HOLDEN

GOVERNOR

MATT BLUNT

SECRETARY OF STATE

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

Senator Kenney requested unanimous consent of the Senate that the Committee on Education be allowed to meet while the Senate is in session, which request was granted.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 1079--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1081--Public Health and Welfare.

SB 1083--Transportation.

SB 1084--Local Government and Economic Development.

SB 1085--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1086--Local Government and Economic Development.

SB 1087--Pensions and General Laws.

SB 1088--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1089--Pensions and General Laws.

SB 1090--Civil and Criminal Jurisprudence.

SB 1091--Labor and Industrial Relations.

SB 1092--Judiciary.

SB 1093--Transportation.

SB 1094--Aging, Families and Mental Health.

SB 1095--Civil and Criminal Jurisprudence.

SB 1096--Ways and Means.

SB 1097--Pensions and General Laws.

SB 1098--Transportation.

SB 1099--Agriculture, Conservation, Parks and Tourism.

SB 1100--Commerce and Environment.

SB 1101--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1102--Civil and Criminal Jurisprudence.

SB 1103--Agriculture, Conservation, Parks and Tourism.

SB 1104--Ways and Means.

SB 1105--Labor and Industrial Relations.

SB 1106--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1107--Local Government and Economic Development.

SB 1108--Local Government and Economic Development.

SB 1109--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1110--Commerce and Environment.

SB 1111--Public Health and Welfare.

SB 1112--Pensions and General Laws.

SB 1113--Local Government and Economic Development.

SB 1114--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1115--Civil and Criminal Jurisprudence.

SB 1116--Commerce and Environment.

SB 1117--Ways and Means.

SB 1118--Rules, Joint Rules, Resolutions and Ethics.

SB 1119--Pensions and General Laws.

SB 1120--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1121--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1122--Judiciary.

SB 1123--Transportation.

SB 1124--Local Government and Economic Development.

SB 1125--Insurance and Housing.

SB 1126--Local Government and Economic Development.

SB 1127--Agriculture, Conservation, Parks and Tourism.

SJR 33--Transportation.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 959**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1024, regarding John Allen Young, Jefferson City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Mayor Francis Slay, St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY-TUESDAY, FEBRUARY 12, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1128-Johnson

SB 1129-Johnson

SB 1130-House

SB 1131-Gibbons

SB 1132-Kennedy

SB 1133-Gross

SB 1134-Yeckel

SB 1135-Yeckel and Loudon

SB 1136-Bentley and Stoll

SB 1137-Bentley

SB 1138-Childers

SJR 34-Gibbons

SJR 35-Jacob

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and

Boucher

SENATE BILLS FOR PERFECTION

1. SB 712-Singleton and

Sims, with SCS

2. SB 1009-Rohrbach, with SCS

3. SBs 970, 968, 921, 867,

868 & 738-Westfall, et al,

with SCS

4. SB 931-Klarich, with SCS

5. SB 722-Bentley, with SCS

6. SB 856-Russell

7. SB 895-Yeckel and Gross

8. SB 675-Yeckel, et al,

with SCS

9. SB 881-Steelman and

Yeckel, with SCS

10. SBs 641 & 705-Russell,

et al, with SCS

11. SBs 721, 757, 818 &

930-Westfall, with SCS

12. SB 665-Kenney

13. SB 836-Gross and

Dougherty, with SCS

14. SB 840-Gross and Russell,

with SCS

15. SB 740-Wiggins

16. SB 687-Gibbons and Yeckel

17. SB 959-Kenney and Kinder,

with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 3 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 958 & 657-Kinder,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 644-Mathewson and

Yeckel

SB 701-Wiggins

SB 737-Cauthorn and

Russell, with SCS

SB 745-Russell, with SCS

SB 669-Bentley, with SCS

SB 726-Childers

SB 896-Yeckel

Reported 1/29

SB 702-Caskey

SB 695-Dougherty and Sims

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 893-Rohrbach

SB 804-DePasco, with SCS

SB 645-Mathewson, with SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

RESOLUTIONS

To be Referred

HCR 7-Boykins and Barry

SCR 44-Cauthorn, et al

HCR 5-Reynolds

HCR 6-Jetton

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

SCR 37-Dougherty

Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY--TUESDAY, FEBRUARY 12, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"For whoever finds me finds life and receives favor from the Lord." (Proverbs 8:35)

Heavenly Father, give us the wisdom to love, desire, seek and serve You with our whole hearts. Provide us hope and trust that knows with You there is knowledge about living that the world cannot give. Provide us intelligence about our world that we may serve effectively and graciously. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1025, regarding Reverend Monsignor Edward William Reilly, Ph.D., St. Louis, which was adopted.

Senator Jacob offered the following resolution:

SENATE RESOLUTION NO. 1026

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Nineteenth District of the one day's notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, Second Regular Session, that Senate Rule 10 be amended to read as follows:

"Rule 10. The president pro tem shall be parliamentarian of the senate and may decide all points of order, and in his absence such points of order may be decided by the chairman of the Committee on Judiciary, except in either case, the point of order may be referred by the then acting parliamentarian, to the Committee on Parliamentary Procedure for consideration and determination. **A point of order that is taken under advisement shall be ruled upon within one legislative day.** All rulings on points of order shall be subject to an appeal to the senate and all questions and points of order shall be noted by the secretary with the decision thereon. (See also Rule 27.)".

Senators Loudon and Klarich offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1027

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize the meritorious achievements of an outstanding Missouri citizen who has distinguished himself as a leader of his community; and

WHEREAS, the Honorable John Wild, Mayor of Wildwood, is to be commended for the important role he plays as Chief Executive Officer of the Missouri Higher Education Loan Authority, an agency established by the state in 1982 to handle government loans of Missouri students; and

WHEREAS, reflecting the cost of education, the Missouri Higher Education Loan Authority now employs 200 individuals, boasts assets of \$2.5 billion, and buys some \$500 million in loans each year; and

WHEREAS, throughout its rich history, the Missouri Higher Education Loan Authority has helped well over half a million young people with student loans that have enabled them to finance a higher education; and

WHEREAS, the Missouri Higher Education Loan Authority has been honored by the Chesterfield Chamber of Commerce as the 2001 Business of the Year for its numerous accomplishments, unwavering faith in the levee district, and the contribution of its brand new signature building in the Chesterfield Valley:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in extending our most hearty and robust congratulations to John Wild as he proudly celebrates the phenomenal success of the Missouri Higher Educational Loan Authority, and in wishing him only the very best as he continues to maintain only the highest standards of excellence in all he does; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Honorable John Wild, as a measure of our esteem for him.

CONCURRENT RESOLUTIONS

Senator Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 45

WHEREAS, our Country was founded on the precepts of freedom, liberty, diversity and the right of the people to acknowledge God according to the dictates of conscience; and

WHEREAS, from the very beginning of our nation to the founding of our first national government in 1774, and from the Continental Congress to the Constitutional Convention and the years after the establishment of our Constitution, voluntary prayer has been a unifying and consoling force; and

WHEREAS, statements of belief in a Supreme Power and the virtue of seeking guidance, strength and protection from that power are prevalent throughout our national history and appear in our national documents as well as in virtually every state constitution; and

WHEREAS, the framers of the Constitution, recognizing free exercise of religion as an inalienable right, secured its protection with the First Amendment of the Constitution of the United States; and

WHEREAS, every session of Congress, and of many other legislative and public bodies across the nation, begins with the comfort and

encouragement of voluntary prayer; and

WHEREAS, our government has a constitutional obligation to protect religious freedom; and

WHEREAS, one of the purposes of education is to prepare students to be good citizens; and

WHEREAS, instilling an appreciation and respect not only for the beliefs and traditions of others but also for the longstanding beliefs and traditions of the nation forms a part of good citizenship; and

WHEREAS, voluntary student prayer formed a part of American public schools from their origination in 1642 for over three hundred years afterward until the United States Supreme Court in a 1962 ruling it said was "without precedent", struck down what it described as "voluntary, nondenominational school prayer"; and

WHEREAS, in 1985 the Supreme Court even struck down voluntary, silent student prayers; and

WHEREAS, an increasing number of recent religion-hostile court decisions now prohibit the overwhelming majority of Americans from participating in the very same religious expressions their parents, grandparents, and generations before them enjoyed; and

WHEREAS, an increasing and ever-widening hostility against voluntary prayer and public religious speech has produced a public atmosphere of fear, intimidation, and confusion about school prayer and religious speech; and

WHEREAS, an overwhelming majority of Americans now favor giving specific protections to these traditional religious expressions; and

WHEREAS, House Joint Resolution No. 81 has been offered in the United States House of Representatives proposing a constitutional amendment for ratification by the people:

"To secure the people's right to acknowledge God according to the dictates of conscience:

'Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage, and traditions on public property, including schools, shall not be infringed.

"The United States and the States shall not compose school prayers, nor require any person to join in prayer or other religious activity.":

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, urges the United States Congress to pass House Joint Resolution No. 81; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Missouri Congressional Delegation in order that they may be apprised of the sense of this matter.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1139-By Sims.

An Act to repeal sections 294.011, 294.024, 294.030, 294.043, 294.060, 294.090, 294.121 and 294.141, RSMo, and to enact in lieu thereof eight new sections relating to restrictions on child labor.

SB 1140--By Rohrbach.

An Act to repeal section 192.323, RSMo, and to enact in lieu thereof one new section relating to department of health and senior services document services fund.

SB 1141--By Bland.

An Act to repeal sections 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836 and 376.840, RSMo, and to enact in lieu thereof one new section relating to insurance coverage for mental health.

SB 1142--By Jacob.

An Act to repeal sections 610.106 and 610.110, RSMo, and to enact in lieu thereof two new sections relating to the closing of criminal records.

President Maxwell assumed the Chair.

SB 1143--By Jacob.

An Act to repeal section 108.240, RSMo, relating to duties of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

SB 1144--By Dougherty.

An Act to repeal section 643.055, RSMo, relating to the Missouri air conservation commission, and to enact in lieu thereof one new section relating to the same subject.

THIRD READING OF SENATE BILLS

SB 644, introduced by Senators Mathewson and Yeckel, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to veterans license plates for motorcycles.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **SB 644** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 701, introduced by Senator Wiggins, entitled:

An Act to repeal sections 305.120, 305.130 and 305.140, RSMo, relating to the operation of aircraft, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 701** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Singleton--2		
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Cauthorn moved that motion lay on the table, which motion prevailed.

SB 737, with **SCS**, introduced by Senators Cauthorn and Russell, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

Senator Klarich assumed the Chair.

SCS for **SB 737**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 737

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

Was taken up.

Senator Singleton assumed the Chair.

Senator Cauthorn moved that **SCS** for **SB 737** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 737** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Mathewson	Quick--3	
	Absent with leave--Senators--None		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 659**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 659** was again taken up.

At the request of Senator House, **SS** for **SB 659** was withdrawn.

Senator House offered **SS No. 2** for **SB 659**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 659

An Act to repeal sections 105.269, 160.400, 160.405, 160.410 and 160.420, RSMo, relating to charter schools, and to enact in lieu thereof five new sections relating to the same subject.

Senator House moved that **SS No. 2** for **SB 659** be adopted.

Senator Gross assumed the Chair.

At the request of Senator House, **SB 659**, with **SS No. 2** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1145--By Schneider, Kinder, Kennedy, Childers, Staples and House.

An Act to repeal section 334.735, RSMo, relating to physician assistants, and to enact in lieu thereof one new section relating to the same subject.

SB 1146--By Schneider.

An Act to repeal sections 198.006, 198.015 and 198.073, RSMo, relating to assisted living facilities, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 1147--By Kennedy.

An Act to amend chapter 408, RSMo, by adding thereto four new sections relating to high-cost home loans, with penalty provisions.

SB 1148--By Yeckel.

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to the creation of the property preservation fund.

RESOLUTIONS

Senator Schneider offered the following resolution:

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Fourteenth of the one day's notice pursuant to Rule 97 of intent to put a motion to adopt the following rule change.

SENATE RESOLUTION NO. 1028

BE IT RESOLVED by the Senate of the Ninety-first General Assembly, Second Regular Session, that the rules of the Senate be amended to read as follows:

"Rule 50. Referrals of bills and appointments to committee shall be made by the president pro tem; and no bill shall be considered for final passage unless it has been reported on by a committee and printed for the use of the senators. A report of all bills recommended "do pass" by a committee shall be submitted to the senate by the chairman and all committee amendments accompanying the report shall be printed in the Journal.

After a bill has been referred to a committee, one-third of the senators elected has the power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. In any case where a committee has been relieved of further consideration of a bill as herein provided, a majority of the senators present but not less than one-third of the senators elected, may, at any time before final passage thereof, again refer the bill to the same or some other committee for consideration. No bill or resolution shall be reported adversely by any committee until the author of the bill or resolution has been given an opportunity to appear and be heard before the committee to which it is referred.

One-third of the senators elected may relieve a committee of an appointment and a motion to grant advice and consent of the Senate to that appointment is then in order at any time that a question is not pending or a Senator speaking."

REPORTS OF STANDING COMMITTEES

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 974**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 885**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 988**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which

was referred **SB 992**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 993**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 997**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 756**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 718**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1048**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 945**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to

which was referred **SB 918**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 831**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 812**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 760**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 903**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 729**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 690**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Gross, Chairman of the Committee on Pensions and General Laws, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1001**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 817**, **SB 978** and **SB 700**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Kenney submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which were referred **SB 837**, **SB 866**, **SB 972** and **SB 990**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **SCR 44**, **HCR 5**, **HCR 6** and **HCR 7** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1029, regarding Lloyd Brown, Fenton, which was adopted.

Senator Stoll offered Senate Resolution No. 1030, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Tucek, Arnold, which was adopted.

Senator Foster offered Senate Resolution No. 1031, regarding Dennis Eugene Eldridge, Jr., Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1032, regarding John Paul "J.P." Manetz, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1033, regarding Cole Jason "C.J." Sheets, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1034, regarding Jonathan Tim Miller, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1035, regarding Jason David Littles, Piedmont, which was adopted.

Senator Gross offered Senate Resolution No. 1036, regarding Roger David Barnhill, Lake Saint Louis, which was adopted.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

THIRD READING OF SENATE BILLS

SB 745, with **SCS**, introduced by Senator Russell, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to specialized license plates.

Was called from the Consent Calendar and taken up.

SCS for **SB 745**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 745

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to specialized license plates.

Was taken up.

Senator Russell moved that **SCS** for **SB 745** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 745** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Vacancies--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 669, with **SCS**, introduced by Senator Bentley, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to political subdivisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 669**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 669

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

Was taken up.

Senator Bentley moved that **SCS** for **SB 669** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 669** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None
Absent--Senator Bland--1
Absent with leave--Senators--None
Vacancies--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 726, introduced by Senator Childers, entitled:

An Act to repeal section 9.130, RSMo, relating to Emergency Services Day, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 726** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Gross--2		
	Absent with leave--Senators--None		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1149--By Singleton.

An Act to repeal section 149.065, RSMo, and to enact in lieu thereof three new sections relating to the fund for lifelong health, with a referendum clause.

SB 1150--By Kinder.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to attorneys.

SB 1151--By Kinder.

An Act to repeal section 94.875, RSMo, relating to tourism tax trust funds in certain cities, and to enact in lieu thereof one new section relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 712**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 712**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 712

An Act to repeal sections 44.010, 44.100, 105.711, 190.500, 192.320, 473.697 and 490.620, and to enact in lieu thereof eleven new sections relating to state emergency health powers, with an emergency clause and penalty provisions.

Was taken up.

Senator Singleton moved that **SCS** for **SB 712** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 712, Page 5, Section 44.240, Line 33, by inserting after all of said line the following:

"44.500. 1. Any volunteer who is authorized by a state agency or its designee to respond to an emergency declared pursuant to this chapter shall be accorded the protection of the legal expense fund and other provisions pursuant to section 105.711, RSMo.

2. Any authorized volunteer pursuant to this section shall not be liable for any acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

3. As used in this section, "volunteer" means any person who, of the person's own free will, performs any assigned duties for the state agency with no monetary or material compensation.

4. Any person serving as a volunteer may be terminated from service in such capacity by the director of the state agency."; and

Further amend said bill, Pages 5 to 9, Section 105.711, by striking said section from the bill; and

Further amend said bill, Page 10, Section 190.500, Line 12, by striking "state public health" and further amend said line by inserting after the word "emergency" the following: **"as defined in section 44.010, RSMo,"**; and

Further amend said bill, Page 11, Section 192.320, Line 4, by removing the opening bracket "[" before the word "or" and inserting the opening bracket "[" before "192.600"; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Rohrbach assumed the Chair.

Senator Singleton offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 712, Page 5, Section 44.240, Lines 7-33, by deleting all of said lines.

Senator Singleton moved that the above substitute amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 712, Page 2, Section 44.010, Line 21, by deleting the following words "or imminent threat" and further amend said bill, section 44.100, page 3, lines 7 and 8 by deleting the following: "or there exists an imminent threat thereof".

Senator Klindt moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 712, Page 3, Section 44.100, Line 7, by adding after the word "proportions" the following: "**or act of biological terrorism**".

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Jacob, **SSA 1** for **SA 2** was withdrawn.

SA 2 was again taken up.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 712, Page 11, Section 192.021, Lines 16-26, by deleting all of said lines; and

Further renumber remaining subsections accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 712, Page 1, Section A, Line 4, by inserting after all of said line the following:

"38.050. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Terrorism, Bioterrorism, and Homeland Security" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of all state government terrorism, bioterrorism, and homeland security efforts;

(2) Devise a standard reporting system to obtain data on each state government agency that will provide information on each agency's terrorism, bioterrorism, and homeland security status at least biennially;

(3) Determine from its study and analysis the need for changes in statutory law; and

(4) Make any other recommendation to the general assembly necessary to provide adequate terrorism, bioterrorism, and homeland security to the citizens of the state of Missouri.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on December 31, 2007."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 712, Page 13, Section 490.620, Line 8, by inserting after all of said line the following:

"610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy-two hours after execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hot lines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; [and]

(18) In preparation for and implementation of electric restructuring, a municipal electric utility may close that portion of its financial records and business plans which contains information regarding the name of the suppliers of services to said utility and the cost of such services, and the records and business plans concerning the municipal electric utility's future marketing and service expansion areas. However, this exception shall not be construed to limit access to other records of a municipal electric utility, including but not limited to the names and addresses of its business and residential customers, its financial reports, including but not limited to its budget, annual reports and other financial statements prepared in the course of business, and other records maintained in the course of doing business as a municipal electric utility. This exception shall become null and void if the state of Missouri fails to implement by December 31, 2001, electric restructuring through the adoption of statutes permitting the same in this state; **and**

(19) Specific information on existing or proposed security systems or security vulnerabilities for any building or property owned or leased by a public governmental body. Such records may include photographs, schematic diagrams, recommendations, or consultations made to analyze or enhance security of the building or property. Information related to the total costs budgeted and expended to protect such structures and systems shall not be a closed record pursuant to this subdivision and such disclosures shall not specifically identify buildings, sites or specific purposes of the expenditures. This exception shall become null and void on December 31, 2007."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Bentley offered **SA 1 to SA 5:**

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Committee Substitute for Senate Bill No. 712, Page 4, Section 610.021, Line 15 of said page, by inserting immediately before the word "In" an opening bracket "["; and

Further amend said amendment, page 5, line 3 of said page, by inserting immediately after the word "state" the following:

"(a) A municipal utility receiving a public records request for information considered to be proprietary, highly confidential, critical to security of the utility, or for a public record that would compromise the security of the utility system, may, within thirty days of such request, provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the municipal utility, stating that the competitive position or security of the utility would be materially jeopardized or compromised by release of the requested material. If, based on such motion, the court finds for the municipal utility, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

(b) Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information requested, which would otherwise be closed pursuant to this section. The court may order that all or part of the information requested be released to the person bringing the action. In making the determination as to whether the requested information shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public or to the municipal

utility in regard to the need to effectively operate the municipal utility. The records in question may be examined by the court in camera. The court may find that the party seeking disclosure shall bear the reasonable and necessary costs and attorney fees of both parties, unless the court finds that the decision of the municipal utility not to open its records was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorney's fees to the municipal utility.

(c) If the court finds by a preponderance of the evidence that the municipal utility has purposely violated this section, the records custodian of the municipal utility, or the municipal utility shall be subject to a civil penalty in an amount not to exceed five hundred dollars and the court shall order payment by such individual or municipal utility of all costs and attorney fees as provided by section 610.027, RSMo".

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 712, Page 3, Section 44.100, Line 9, by adding at the end of said line the following: "or an act of bioterrorism that presents a clear and present danger to the safety and welfare of the inhabitants of this state that requires an invocation of the provisions of this section".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 712, Pages 5 to 9, Section 105.711, by striking said section from the bill; and

Further amend said bill, Page 10, Section 190.500, Line 12, by striking "state public health" and further amend said line by inserting after the word "emergency" the following: "**as defined in section 44.010, RSMo,**"; and

Further amend said bill, Page 11, Section 192.320, Line 4, by removing the opening bracket "[" before the word "or" and inserting the opening bracket "[" before "192.600"; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 712, Page 10, Section 192.021, Line 13 by striking the word "may" and inserting in lieu thereof the following: "**are reasonably suspected to**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Singleton moved that **SCS** for **SB 712**, as amended, be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SB 712**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1151**, entitled:

An Act to repeal section 469.411, RSMo, and to enact in lieu thereof one new section relating to disclaimers of property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONCURRENT RESOLUTIONS

Senator Dougherty moved that **SCR 37** be taken up adoption, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Dougherty, **SCR 37** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell

Schneider
Steelman
Yeckel--33

Sims
Stoll

Singleton
Westfall

Staples
Wiggins

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None
Vacancies--1

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1037, regarding the Mid-East Area Agency on Aging Quad-City Senior Center, Crystal City, which was adopted.

Senator Stoll offered Senate Resolution No. 1038, regarding the Kimmswick Historical Society, Kimmswick, which was adopted.

Senator Stoll offered Senate Resolution No. 1039, regarding Harold R. Oetting, Festus, which was adopted.

Senator Gibbons offered Senate Resolution No. 1040, regarding Melissa Tumminia, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1041, regarding Jim Brady, Shrewsbury, which was adopted.

Senator Gibbons offered Senate Resolution No. 1042, regarding Joan McGivney, Webster Groves, which was adopted.

Senators Gibbons and Yeckel offered Senate Resolution No. 1043, regarding Ryan Michael FitzPatrick, Ballwin, which was adopted.

Senator Yeckel offered Senate Resolution No. 1044, regarding Anthony Gragnani, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Tracy Allison, St. Louis.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Stevan Whitt, M.D., Columbia.

Senator Johnson introduced to the Senate, Brian Wilson, Kansas City.

Senator Kenney introduced to the Senate, two hundred American Cancer Society volunteers and staff from around the state.

Senator Dougherty introduced to the Senate, Pat Viveros, St. Louis.

Senator Bentley introduced to the Senate, Chris Davis, Justin Powell, Todd Sell, Erica Kasterke, Courtney Herren, Lane Teters, Charlotte Mistler and Stephanie Hensley, members of Teens Against Teenage Use, and Carolyn Barnes, Springfield.

Senator Rohrbach introduced to the Senate, Learn and Serve students from Tri-County Technical School, Eldon.

Senator Klarich introduced to the Senate, Paul and Alicia Matteucci, and their children, Georgiana Nicula, Florina Nicula, Madalina Caplagea, Ionut Nicula, Gheorghe Dragomir and Daniel Costin Nicula, Chesterfield; and Georgiana, Florina, Madalina, Ionut, Gheorghe and Daniel were made honorary pages.

Senator Stoll introduced to the Senate, William Brooks, Imperial; Maureen Thoendel and Rebecca Moore, Festus; Erin Peirce and Amber Parks, DeSoto; and Karen Huskey, Hillsboro.

Senator Gross introduced to the Senate, Julia Eckstein and Hope Woodson, St. Charles; and Christa Hansen, O'Fallon.

Senator Gibbons introduced to the Senate, Mayor Pat Kelly and his niece, Sarah McBride, and City Manager Robert Shelton, Brentwood.

Senator Childers introduced to the Senate, Art Hegi, Shell Knob.

Senator Caskey introduced to the Senate, Christy and Zac Maggi, Clinton.

Senator Bentley introduced to the Senate, Beth Noble, Springfield.

Senator Kenney introduced to the Senate, Representative Chuck Portwood, St. Louis County.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY-WEDNESDAY, FEBRUARY 13, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1128-Johnson

SB 1129-Johnson

SB 1130-House

SB 1131-Gibbons

SB 1132-Kennedy

SB 1133-Gross

SB 1134-Yeckel

SB 1135-Yeckel and Loudon

SB 1136-Bentley and Stoll

SB 1137-Bentley

SB 1138-Childers

SB 1139-Sims

SB 1140-Rohrbach

SB 1141-Bland

SB 1142-Jacob

SB 1143-Jacob

SB 1144-Dougherty

SB 1145-Schneider, et al

SB 1146-Schneider

SB 1147-Kennedy

SB 1148-Yeckel

SB 1149-Singleton

SB 1150-Kinder

SB 1151-Kinder

SJR 34-Gibbons

SJR 35-Jacob

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

SENATE BILLS FOR PERFECTION

1. SB 1009-Rohrbach,

with SCS

2. SBs 970, 968, 921, 867,

868 & 738-Westfall, et al,

with SCS

3. SB 931-Klarich, with SCS

4. SB 722-Bentley, with SCS

5. SB 856-Russell

6. SB 895-Yeckel and Gross

7. SB 675-Yeckel, et al,

with SCS

8. SB 881-Steelman and

Yeckel, with SCS

9. SBs 641 & 705-Russell,

et al, with SCS

10. SBs 721, 757, 818 &

930-Westfall, with SCS

11. SB 665-Kenney

12. SB 836-Gross and

Dougherty, with SCS

13. SB 840-Gross and

Russell, with SCS

14. SB 740-Wiggins

15. SB 687-Gibbons and Yeckel

16. SB 959-Kenney and

Kinder, with SCS

17. SBs 817, 978 & 700-

Gross, with SCS

18. SBs 837, 866, 972,

990-Cauthorn, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 3 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 958 & 657-Kinder,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 896-Yeckel

Reported 1/29

SB 702-Caskey

SB 695-Dougherty and Sims

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 893-Rohrbach

SB 804-DePasco, with SCS

SB 645-Mathewson, with

SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

Reported 2/12

SB 974-Childers and Westfall

SB 885-Bentley, with SCS

SB 988-Caskey

SB 992-Johnson

SB 993-Rohrbach

SB 997-Quick, with SCS

SB 756-Westfall, with SCS

SB 718-House and Steelman

SB 1048-Kenney

SB 945-Stoll, with SCS

SB 918-Klarich, with SCS

SB 831-Loudon and Kennedy

SB 812-Russell

SB 760-Yeckel

SB 903-Klindt

SB 729-Yeckel, with SCS

SB 690-Gross

SB 1001-Mathewson

RESOLUTIONS

SR 1026-Jacob

SR 1028-Schneider

To be Referred

SCR 45-Gross

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIRST DAY--WEDNESDAY, FEBRUARY 13, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord rises to argue his case; he stands to judge the people." (Isaiah 3:13)

Ruler and Judge of the Universe, we call on You this day the Christian world observes as Ash Wednesday. It is a good day for all humankind to look at their lives and see that they need Your help along the dangerous paths that can lead us to irreconcilable disagreements and wrongs to our brothers and sisters. So help us remember that Your word prescribes a way to handle differences that can bring peace and accord among us as Your spirit leads us through this Lenten time of self reflection and hope to do more good with our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 1045, regarding Earl Dean Engelbrecht, Holts Summit, which was adopted.

Senator DePasco offered Senate Resolution No. 1046, regarding the Eighty-seventh Birthday of Hilda Gibbs, Kansas City, which was adopted.

Senator Jacob moved that **SR 1026** be taken up for adoption, which motion prevailed.

Senator Rohrbach assumed the Chair.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 1026, Rule 10, by striking the bold face type and substituting the following: "**a point of order may only be taken under advisement with the consent of the movant of the question and with the consent of the Senate for one legislative day and for such additional days as may be granted by the Senate.**".

Senator Schneider moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken and was joined in his request by Senators Cauthorn, Gibbons, Kinder and Russell.

At the request of Senator Jacob, the motion to adopt **SR 1026** was withdrawn which placed the resolution, with **SA 1** (pending), back on the Resolutions Calendar.

CONCURRENT RESOLUTIONS

Senator Dougherty offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 46

WHEREAS, H.R. 3113, the TANF Reauthorization Act of 2001, was introduced in the United States House of Representatives on October 12, 2001, which would reform the Temporary Assistance for Needy Families program to make it clear that the program's principal focus is the long-term reduction of poverty rather than a short-term immediate reduction in the welfare rolls; and

WHEREAS, H.R. 3113 would also make it clear that postsecondary education is a work activity under the TANF program by providing access to postsecondary education for TANF recipients as a permissible work activity; and

WHEREAS, in the United States, education has always been a route to economic self-sufficiency and social mobility; and

WHEREAS, in the twenty-first century, at least one year of postsecondary education will become increasingly more essential for all workers; and

WHEREAS, TANF does not currently extend our nation's commitment to educational opportunity to persons living in poverty with their children, but who are ready, willing, and able to benefit from postsecondary education; and

WHEREAS, data from several studies has demonstrated that the additional earning capacity that a postsecondary education provides can make the difference between economic self-sufficiency and continued poverty for many TANF recipients; and

WHEREAS, among families headed by African American, Latino, and Caucasian women, the poverty rate declines from fifty-one, forty-one, and twenty-two percent to twenty-one, eighteen and one-half, and thirteen percent, respectively, with at least one year of postsecondary education; and

WHEREAS, further data has found that postsecondary education not only increases incomes, it also improves self-esteem, increases children's education ambitions, including aspiring to enter postsecondary education themselves, and has a dramatic impact on quality of life; and

WHEREAS, now more than ever TANF recipients need postsecondary education to obtain the knowledge and skills required to compete for jobs and enable them to lift themselves and their children out of poverty in the long-term; and

WHEREAS, without some postsecondary education, most women who leave welfare for employment will earn wages that place them far below the federal poverty level, even after five years of employment; and

WHEREAS, allowing TANF recipients to attend postsecondary education, even for a short time, will improve their earning potential significantly, with the average person who attends a community college, even without graduating, earning approximately ten percent more than those persons who do not attend postsecondary education at all; and

WHEREAS, women who receive TANF assistance clearly appreciate the importance and role of postsecondary education in moving them out of poverty to long-term economic self-sufficiency; and

WHEREAS, as of November 1999, at least nineteen states had considered or enacted strategies to support recipient's efforts to achieve long-term economic self-sufficiency through the pursuit of postsecondary education:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, support H.R. 3113, the TANF Reauthorization Act of 2001; and

BE IT FURTHER RESOLVED that the General Assembly urges Missouri's Congressional delegation to support the passage of H.R. 3113, the TANF Reauthorization Act of 2001; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of Missouri's Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1152--By Klarich.

An Act to repeal sections 50.333, 57.290, 67.133, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 454.505, 455.027, 455.060, 455.067, 455.075, 455.504, 455.508, 476.385, 478.725, 488.012, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.141, 517.151, 577.051 and 595.045, RSMo, relating to courts, and to enact in lieu thereof thirty-four new sections relating to the same subject, with penalty provisions.

SB 1153--By Gibbons.

An Act relating to a flat tax on individual income tax, with an effective date.

SB 1154--By Gibbons.

An Act to amend chapter 144, RSMo, by adding thereto six new sections relating to sales and use tax assessment and collection procedures of the department of revenue.

SB 1155--By Gibbons.

An Act to repeal section 217.560, RSMo, relating to the vocational enterprises program, and to enact in lieu thereof one new section relating to the same subject.

SB 1156--By Steelman.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for hearing aids for the elderly and children.

SB 1157--By Klindt.

An Act to amend chapter 375, RSMo, by adding thereto six new sections relating to insurance compliance audits.

SB 1158--By Rohrbach, Caskey and Russell.

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to income taxation of nonresident athletes.

SB 1159--By Rohrbach and Russell.

An Act to amend chapter 217, RSMo, by adding thereto two new sections relating to pay for corrections officers.

Senator Kenney requested unanimous consent of the Senate that the Honorable Governor Bob Holden be allowed in the Senate Chamber, which request was granted.

President Pro Tem Kinder assumed the Chair.

**MESSAGES FROM THE
SECRETARY OF STATE**

The President laid before the Senate the following communication from the Secretary of State, which was read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler

Jefferson City, Missouri

Madam:

I, Matt Blunt, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 5th Senatorial District in the State of Missouri, on the 5th day of February, 2002, as provided by law, the following named person was elected to the office of State Senate, 5th Senatorial District as shown by the election results certified to this office by the election authorities of the 5th Senatorial District.

Name	Office
Maida Coleman	State Senator
1619 Carroll (Apt. A)	5th Senatorial District
St. Louis, MO 63104	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 13th day of February, 2002.

(Seal)

Matt Blunt
Secretary of State
By Dan Ross
Executive Deputy Secretary of State

Senator Coleman advanced to the dais and subscribed to the oath of office administered by President Pro Tem Kinder.

On motion of Senator Kenney, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

THIRD READING OF SENATE BILLS

SB 702, introduced by Senator Caskey, entitled:

An Act to amend chapter 209, RSMo, by adding thereto one new section relating to rehabilitation services for the blind and visually impaired.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 702** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Gibbons	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Quick
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senators--None

Absent--Senators			
Bentley	Bland	DePasco	Foster
Goode	Kinder	Mathewson	Rohrbach
Singleton--9			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 896, introduced by Senator Yeckel, entitled:

An Act to repeal sections 326.256, 326.271, 326.280, 326.283, 326.286, 326.289 and 326.292, RSMo, relating to public accountants, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Yeckel, **SB 896** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Kennedy
Kenney	Kinder	Klarich	Klindt
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senator Goode--1

Absent--Senators			
Bentley	Bland	Johnson	Loudon
Mathewson--5			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 695, introduced by Senators Dougherty and Sims, entitled:

An Act to repeal section 210.170, RSMo, relating to the children's trust fund board, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Dougherty.

On motion of Senator Dougherty, **SB 695** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Johnson--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 712**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Jacob moved that **SR 1026**, with **SA 1** (pending), be taken up for adoption, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Jacob, the motion for adoption was withdrawn which placed **SR 1026**, with **SA 1** (pending), back on the Resolutions Calendar.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 662** and **SB 704**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 662 and 704, Page 6, Section 367.044, Line 31, by striking the word "sheriff" and inserting in lieu thereof the following: "**law enforcement officer**".

Senator Westfall moved that the above amendment be adopted.

Senator Kenney offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 662 and 704, Pages 5-8, Section 367.044, Lines 1-91, by deleting all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

Senator Westfall requested a roll call vote be taken on the adoption of **SSA 1** for **SA 4** and was joined in his request by Senators Childers, Jacob, Klarich and Wiggins.

SSA 1 for **SA 4** failed of adoption by the following vote:

YEAS--Senators

Bland	Coleman	DePasco	Gibbons
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Rohrbach
Wiggins	Yeckel--14		

NAYS--Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Goode	Gross
Kennedy	Loudon	Mathewson	Russell
Sims	Singleton	Steelman	Stoll
Westfall--17			

Absent--Senators

Quick	Schneider	Staples--3
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Absent with leave--Senators--None

SA 4 was again taken up.

Senator Westfall moved that the above amendment be adopted.

At the request of Senator Westfall, **SB 662** and **SB 704**, with **SCS** and **SA 4** (pending), were placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SCR 45** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SCS** for **SB 712** to the Committee on State Budget Control.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1160--By Sims.

An Act to repeal sections 454.606, 454.609, 454.615, 454.618, 454.627 and 454.700, RSMo, and to enact in lieu thereof six new sections relating to federal requirements on national medical support notice.

SB 1161--By Rohrbach, Russell and Klindt.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to new corrections officer classifications.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1134, 1100** and **1559**, entitled:

An Act to repeal sections 252.043, 254.020, 254.040, and 270.170, RSMo, and to enact in lieu thereof eight new sections relating to conservation, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1047, regarding Lois and Dave Thompson, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1048, regarding Mark Bussen, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 1049, regarding David W. Kemper, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 1050, regarding Jonathan M. Kemper, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 1051, regarding William A. Sullins, Jr., St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 1052, regarding Jonathan Ford, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 1053, regarding Ginny D'Angelo, St. Louis, which was adopted.

Senator Singleton offered the following resolution:

SENATE RESOLUTION NO. 1054

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, Second Regular Session, that subsection 19 of Senate Rule 28 of the temporary rules be amended to read as follows:

"19. The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during [either] **any** of the first [two] **three** years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during [either] **any** of the first [two] **three** years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee."

Senator Rohrbach offered Senate Resolution No. 1055, regarding TRIO Day at Lincoln University, Jefferson City, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Gibbons, Chairman of the Committee on Ways and Means, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 688**, **SB 663**, **SB 691**, **SB 716**, **SB 759**, **SB 854** and **SB 955**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 894**, **SB 975** and **SB 927**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Mary Lilly Smith, Shelia Wright, Mary Colette, Bill and Ann Compere and Terri Hacker, Springfield.

Senator Kennedy introduced to the Senate, Officer Michael Frederick, St. Louis.

Senator Loudon introduced to the Senate, Dr. Steve Smith, Chesterfield.

Senator Kennedy introduced to the Senate, Chief Mokawa, Colonel Lowry, Colonel Polhan and Colonel Paige, St. Louis.

Senator Dougherty introduced to the Senate, the Physician of the Day, Dr. Katherine Jahnige, M.D., St. Louis.

Senator Staples introduced to the Senate, Krissy Nicholson, Marsha Galvan and Anna Hatridge, Mineral Area College, Park Hills; and Krissy, Marsha and Anna were made honorary pages.

Senator Sims introduced to the Senate, Norman Champ, St. Louis; and Betty Wilson and Marilyn Tatlow, Columbia.

Senator Klarich introduced to the Senate, his mother, Janet Klarich; and his daughters, Rachael Stuart and Elsa Rebecca, Ballwin.

Senator Coleman introduced to the Senate, Sallie Simmons and former State Representative, Missouri Supreme Court Justice Ronnie White, St. Louis.

Senator Kennedy introduced to the Senate, Michael Smith and Douglas Metzluft, St. Louis.

Senator Gibbons introduced to the Senate,

Carol, Richard and Johnny Frohlichstein, Kirkwood.

Senator Kennedy introduced to the Senate, Jill McGuire and Jen Meyer, St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SECOND DAY-THURSDAY, FEBRUARY 14, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1128-Johnson

SB 1129-Johnson

SB 1130-House

SB 1131-Gibbons

SB 1132-Kennedy

SB 1133-Gross

SB 1134-Yeckel

SB 1135-Yeckel and Loudon

SB 1136-Bentley and Stoll

SB 1137-Bentley

SB 1138-Childers

SB 1139-Sims

SB 1140-Rohrbach

SB 1141-Bland

SB 1142-Jacob

SB 1143-Jacob

SB 1144-Dougherty

SB 1145-Schneider, et al

SB 1146-Schneider

SB 1147-Kennedy

SB 1148-Yeckel

SB 1149-Singleton

SB 1150-Kinder

SB 1151-Kinder

SB 1152-Klarich

SB 1153-Gibbons

SB 1154-Gibbons

SB 1155-Gibbons

SB 1156-Steelman

SB 1157-Klindt

SB 1158-Rohrbach, et al

SB 1159-Rohrbach and Russell

SB 1160-Sims

SB 1161-Rohrbach, et al

SJR 34-Gibbons

SJR 35-Jacob

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

THIRD READING OF SENATE BILLS

SCS for SB 712-

Singleton and Sims

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 1009-Rohrbach,

with SCS

2. SBs 970, 968, 921, 867,

868 & 738-Westfall, et al,

with SCS

3. SB 931-Klarich, with SCS

4. SB 722-Bentley, with SCS

5. SB 856-Russell

6. SB 895-Yeckel and Gross

7. SB 675-Yeckel, et al,
with SCS
8. SB 881-Steelman and
Yeckel, with SCS
9. SBs 641 & 705-Russell,
et al, with SCS
10. SBs 721, 757, 818 &
930-Westfall, with SCS
11. SB 665-Kenney
12. SB 836-Gross and
Dougherty, with SCS
13. SB 840-Gross and
Russell, with SCS
14. SB 740-Wiggins
15. SB 687-Gibbons and Yeckel
16. SB 959-Kenney and
Kinder, with SCS
17. SBs 817, 978 & 700-
Gross, with SCS
18. SBs 837, 866, 972,
990-Cauthorn, with SCS
19. SBs 688, 663, 691, 716,
759, 854 & 955-Gibbons,
et al, with SCS
20. SBs 894, 975 & 927-
Kinder, with SCS

SENATE BILLS FOR PERFECTION

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)

SB 668-Bentley, with SS &
SA 1 (pending)

SBs 958 & 657-Kinder,
with SCS

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 893-Rohrbach

SB 804-DePasco, with SCS

SB 645-Mathewson, with SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

Reported 2/12

SB 974-Childers and Westfall

SB 885-Bentley, with SCS

SB 988-Caskey

SB 992-Johnson

SB 993-Rohrbach

SB 997-Quick, with SCS

SB 756-Westfall, with SCS

SB 718-House and Steelman

SB 1048-Kenney

SB 945-Stoll, with SCS

SB 918-Klarich, with SCS

SB 831-Loudon and Kennedy

SB 812-Russell

SB 760-Yeckel

SB 903-Klindt

SB 729-Yeckel, with SCS

SB 690-Gross

SB 1001-Mathewson

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

To be Referred

SCR 46-Dougherty

SR 1054-Singleton

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SECOND DAY--THURSDAY, FEBRUARY 14, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Heavenly Father, on this proclaimed day of Love, teach us how to love one another, how to forgive one another and share the joys and laughter of our lives with one another. And as we return home to those You have given to us bind us with the cord of love that cannot be broken and unleash in us a care and love for our community, our state and our country that Your loving presence may be made known among us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1056, regarding the Liberty School District "Challenge: Cycles for Differentiation" Program, which was adopted.

Senator Quick offered Senate Resolution No. 1057, regarding the Antioch Middle School "Peer Mediation Keeps the

Peace" Program, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1058

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate, hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 30, 2002 and until 1:00 p.m. on November 1, 2002.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1059

WHEREAS, the members of the Missouri Senate are proud to applaud the noteworthy endeavors of an outstanding young Missouri citizen who has demonstrated exceptional leadership in service to her community and her fellow citizens; and

WHEREAS, it is with special pleasure that this legislative body pauses to recognize Sarah Cawyer of Oronogo, Missouri, who has been selected as one of six Distinguished Finalists for 2002 in The Prudential Spirit of Community Awards; and

WHEREAS, The Prudential Spirit of Community Awards are presented annually by The Prudential Insurance Company of America and the National Association of Secondary School Principals (NASSP) as a means of honoring young people across America for self-initiated community service activities; and

WHEREAS, now in its seventh year, The Prudential Spirit of Community Awards were created to encourage young people to play an integral role in their community through volunteer activity; and

WHEREAS, one of many middle and high school students considered for this year's awards, Sarah Cawyer will receive an engraved Bronze Medallion for her impressive community service activities; and

WHEREAS, Sarah Cawyer is a ninth-grade, home-schooled student and member of the Jasper County 4-H program in Carthage who joined a group of 4-H members to make thirty-nine weighted blankets and twenty-four weighted vests for autistic children who will benefit from the garments when they are agitated or overly active; and

WHEREAS, the success of the Show-Me State, the strength of the Oronogo community, and the overall vitality of American society have been refined by such exemplary young women as Sarah Cawyer, who has utilized her remarkable skill and considerable talent to serve others:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in commending and applauding Sarah Cawyer for the tremendous success she has enjoyed in earning a Bronze Medallion for her volunteer work, and in expressing our deepest gratitude for her unwavering commitment towards overall betterment of her community; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Sarah Cawyer.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1162--By Wiggins, DePasco, Kenney, Quick, Kinder, Coleman, Jacob, Sims, Dougherty and Kennedy.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sports and cultural facilities development.

SB 1163--By Steelman.

An Act to repeal 643.220, RSMo, relating to the air emissions banking and trading program, and to enact in lieu thereof one new section relating to the same subject.

SB 1164--By Coleman, Kennedy, Dougherty, Staples, Sims, Yeckel, Jacob, Kinder and Wiggins.

An Act to amend chapter 67, RSMo, by adding thereto twenty-one new sections relating to the sports center redevelopment authority act.

SB 1165--By Mathewson, Johnson and Childers.

An Act to repeal sections 281.240 and 281.260, RSMo, relating to pesticide, and to enact in lieu thereof three new sections relating to the same subject.

SB 1166--By DePasco.

An Act to amend chapter 320, RSMo, by adding thereto ten new sections relating to regulation of chimney sweeps, with penalty provisions.

SB 1167--By Gibbons, Schneider, Goode, Sims, Yeckel and Loudon.

An Act to repeal section 99.847, RSMo, and to enact in lieu thereof one new section relating to reimbursement for providing emergency services.

THIRD READING OF SENATE BILLS

SB 776, with **SCS**, introduced by Senator House, entitled:

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the privacy of personal information of participants in the Missouri higher education savings program.

Was called from the Consent Calendar and taken up.

SCS for **SB 776**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 776

An Act to repeal section 166.415, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education savings program.

Was taken up.

Senator Gross assumed the Chair.

Senator House moved that **SCS** for **SB 776** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SB 776** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland

Caskey

Cauthorn

Childers

Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Singleton--1

Absent--Senators

Bentley	Quick	Schneider--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 749, introduced by Senator Goode, entitled:

An Act to repeal sections 21.250 and 116.050, RSMo, relating to powers of the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 749** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Klindt	Staples--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 813, introduced by Senator Mathewson, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to appropriations for community college district maintenance funds.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 813** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 656, with **SCS**, introduced by Senator Rohrbach, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the interpretation of insurance materials.

Was called from the Consent Calendar and taken up.

SCS for **SB 656**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 656

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the interpretation of insurance materials, with penalty provisions.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 656** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 656** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty

Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins--32
	NAYS--Senators--None		
	Absent--Senators		
Quick	Yeckel--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 893, introduced by Senator Rohrbach, entitled:

An Act to repeal section 376.307, RSMo, relating to life insurance company investments, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 893** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	
	NAYS--Senators--None		
	Absent--Senators		
Kinder	Quick	Yeckel--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 804, with **SCS**, introduced by Senator DePasco, entitled:

An Act to authorize the conveyance of certain property interests to the city of Kansas City.

Was called from the Consent Calendar and taken up.

SCS for **SB 804**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 804

An Act to authorize the conveyance of certain property interests to the city of Kansas City.

Was taken up.

Senator DePasco moved that **SCS** for **SB 804** be adopted, which motion prevailed.

On motion of Senator DePasco, **SCS** for **SB 804** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--33			
NAYS--Senators--None			
Absent--Senator Yeckel--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 760**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 945**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 988**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 903**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

REFERRALS

President Pro Tem Kinder referred **SCR 46** and **SR 1054** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kennard O. Whitfield, 507 Hinsdale Court, Rock Hill, St. Louis County, Missouri 63119, as a member of the Missouri Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol A. Wilson, Republican, 6539 Itaska, St. Louis City, Missouri 63109, as Secretary and a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Judy Zakibe, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacquelyn B. Garrett, 1101 Courtwood Circle, Ballwin, St. Louis County, Missouri 63011, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until her successor is duly appointed and qualified; vice, Randall Huss, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Kevin N. Callaway to the Board of Regents for Missouri Western State College,

submitted on January 24, 2002. Line 1 should be amended to read as follows:

Kevin N. Callaway, 8033 North Flora, Kansas City, Clay County, Missouri 64118

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

On behalf of Senator Stoll and herself, Senator Sims introduced to the Senate, Carol Kurtz, Jefferson County; and Scott Lowder, Kansas.

Senator Singleton introduced to the Senate, fourth grade teachers Jacqueline Clark and Melanie Martin; and students, Brittany Allison, Marcus and Matthew Baca, Andrew Boyer, Samantha Burdge, Samantha Burnett, Raeshele Dollar, Tucker Fenix, Patrick Hernandez, Nicole Hulbert, Ciara Huntley, Kaleb Lankford, Richard Lucas, Joshua & Victoria Marrs, Erica Reynolds, Bradley Whitman and Jacqueline Yust; third grade teacher, Angie Mittag; and students, Levi Adams, Ty Barrett, Katilyn Bates, Katie Besser, Haylee Blankenship, Naisa

and Sarah Boyer, Casey Ewing, David Friend, Alisha Gray, Austin Jorgensen, Nikolas Merriman, Justin Morgan, Spencer Murray, Kyle Myers, Courtney Quick, Bailey Smith, Megan and Wade Sparks, Cierra Varela and Axl Bragg, Westview Elementary, Neosho.

Senator Childers introduced to the Senate, Gary and Joyce Gabel, Howell County.

Senator House introduced to the Senate, Major Robert Thomson, Major David Stewart, Dr. Edward MacAlmon, Mr. Herman Kreigshauser, Mrs. Shelly Baldinger, Ms. Diana Lynn Doering and Mrs. Mary Ann Noble with the Salvation Army.

Senator House introduced to the Senate, Frank Thouvenot and forty students from Living Word Elementary School, St. Charles County.

Senator Bentley introduced to the Senate, Gordon, Mona, Lauren and Matt McCann, Springfield; and Lauren and Matt were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 18, 2002.

SENATE CALENDAR

TWENTY-THIRD DAY-MONDAY, FEBRUARY 18, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1128-Johnson

SB 1129-Johnson

SB 1130-House

SB 1131-Gibbons

SB 1132-Kennedy

SB 1133-Gross

SB 1134-Yeckel

SB 1135-Yeckel and Loudon

SB 1136-Bentley and Stoll

SB 1137-Bentley

SB 1138-Childers

SB 1139-Sims

SB 1140-Rohrbach

SB 1141-Bland

SB 1142-Jacob

SB 1143-Jacob

SB 1144-Dougherty

SB 1145-Schneider, et al

SB 1146-Schneider

SB 1147-Kennedy

SB 1148-Yeckel

SB 1149-Singleton

SB 1150-Kinder

SB 1151-Kinder

SB 1152-Klarich

SB 1153-Gibbons

SB 1154-Gibbons

SB 1155-Gibbons

SB 1156-Steelman

SB 1157-Klindt

SB 1158-Rohrbach, et al

SB 1159-Rohrbach and Russell

SB 1160-Sims

SB 1161-Rohrbach, et al

SB 1162-Wiggins, et al

SB 1163-Steelman

SB 1164-Coleman, et al

SB 1165-Mathewson, et al

SB 1166-DePasco

SB 1167-Gibbons, et al

SJR 34-Gibbons

SJR 35-Jacob

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 &

1559

THIRD READING OF SENATE BILLS

SCS for SB 712-

Singleton and Sims

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 1009-Rohrbach, with SCS

2. SBs 970, 968, 921, 867,

868 & 738-Westfall,

et al, with SCS

3. SB 931-Klarich, with SCS

4. SB 722-Bentley, with SCS

5. SB 856-Russell

6. SB 895-Yeckel and Gross

7. SB 675-Yeckel, et al,

with SCS

8. SB 881-Steelman and

Yeckel, with SCS

9. SBs 641 & 705-Russell,

et al, with SCS

10. SBs 721, 757, 818 &

930-Westfall, with SCS

11. SB 665-Kenney

12. SB 836-Gross and

Dougherty, with SCS

13. SB 840-Gross and

Russell, with SCS

14. SB 740-Wiggins

15. SB 687-Gibbons and

Yeckel

16. SB 959-Kenney and

Kinder, with SCS

17. SBs 817, 978 & 700-

Gross, with SCS

18. SBs 837, 866, 972 &

990-Cauthorn, with SCS

19. SBs 688, 663, 691, 716,

759, 854 & 955-Gibbons,

et al, with SCS

20. SBs 894, 975 & 927-

Kinder, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and
Russell, with SCS (pending)
SB 659-House and Kenney,
with SS#2 (pending)
SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)

SB 668-Bentley, with SS &
SA 1 (pending)
SBs 958 & 657-Kinder,
with SCS
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 645-Mathewson, with SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

Reported 2/12

SB 974-Childers and Westfall

SB 885-Bentley, with SCS

SB 992-Johnson

SB 993-Rohrbach

SB 997-Quick, with SCS

SB 756-Westfall, with SCS

SB 718-House and Steelman

SB 1048-Kenney

SB 918-Klarich, with SCS

SB 831-Loudon and Kennedy

SB 812-Russell

SB 729-Yeckel, with SCS

SB 690-Gross

SB 1001-Mathewson

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY--MONDAY, FEBRUARY 18, 2002

The Senate met pursuant to adjournment.

Senator Rohrbach in the Chair.

Reverend Carl Gauck offered the following prayer:

"The nation has not lived in vain which has given the world Washington and Lincoln, the best great men and the greatest good men whom history can show." (Henry Cabot Lodge, February 12, 1909)

Gracious God, as a nation we honor the memory of our great presidents who led us during difficult times and by their sense of integrity, showed us how people of greatness led their fellow citizens. May all who are here, all who are called to lead through this difficult time, do so with that same sense of integrity and willingness to let our true colors be seen by all as we make difficult decisions affecting the lives of our most vulnerable citizens. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 14, 2002, was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1060, regarding Timothy Michael Meyers, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1061, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Orville Wilson, Greenwood, which was adopted.

Senator Gross offered Senate Resolution No. 1062, regarding The Saint Louis Ambassadors, which was adopted.

Senator Wiggins offered Senate Resolution No. 1063, regarding the death of John Michael "Jack" Meagher, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1064, regarding Reverend Ivy A. Ganaway, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1065, regarding the death of Patrick Michael "Packey" Crenshaw, Kansas City, which was adopted.

Senator Bentley offered Senate Resolution No. 1066, regarding the death of Anne Drummond, Springfield, which was adopted.

Senator Klarich offered Senate Resolution No. 1067, regarding Barbara Ann Giebler, Pacific, which was adopted.

Senator Klarich offered Senate Resolution No. 1068, regarding Phyllis Stanislawski, Pacific, which was adopted.

CONCURRENT RESOLUTIONS

Senator Childers offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 47

Relating to the Poultry Industry Committee.

WHEREAS, the poultry industry is a vital, profitable and important industry in this state; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic impacts while making every attempt to eliminate negative aspects of the industry; and

WHEREAS, the poultry industry produces waste products which have significantly impacted the environment of the state; and

WHEREAS, there exists a need for a study of the economic and environmental impact of the poultry industry in the state, especially the impacts this industry has on sensitive environmental areas:

NOW, THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a "Poultry Industry Committee" which shall review and evaluate both the economic impact of the poultry industry, waste disposal issues and environmental impacts of this industry, and make recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such Committee shall be composed of twenty-three members, one member to be a member of the Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the House of Representatives to be appointed by the Speaker of the House, two county commissioners or their designees, a representative from the Food and Agricultural Policy Research Institute (FAPRI), a representative of the Environmental Protection Agency (EPA), a representative of the Department of Natural Resources, a representative of the United States Department of Agriculture, a representative of the Natural Resources Conservation Services (NRCS), a representative of the university extension system, a representative of the poultry federation, a representative of the Missouri Farmer's Association, a representative of the Farm Bureau, a representative of the Department of Conservation, a representative of the University of Missouri Department of Agriculture, Food, and Natural Resources, a representative of the Southwest Missouri State University Department of Agriculture, a member appointed by the Resource Conservation & Development Council, a representative of the Department of Economic Development, a representative of the Department of Agriculture, a representative of the Clean Water Commission, two active poultry farmers, a person active in the processing/value-added portion of poultry waste. Each member of the Committee shall serve until December 31, 2003; and

BE IT FURTHER RESOLVED that the Committee may conduct its business by various means but shall meet no less than twice each year as a full Committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the

parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the Committee; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Committee; and

BE IT FURTHER RESOLVED that the Committee shall study problems and solutions, collect information and provide recommendations in a report to the General Assembly before December 31, 2002;

BE IT FURTHER RESOLVED that the Committee shall submit its final report to the General Assembly no later than December 31, 2003; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall terminate December 31, 2003; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1168--By Russell.

An Act to authorize the conveyance of certain property to the city of Lebanon.

SB 1169--By Childers.

An Act to amend chapter 416, RSMo, by adding thereto one new section relating to state court jurisdiction over price discrimination cases.

SB 1170--By Childers.

An Act to repeal section 386.370, RSMo, relating to public counsel, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 1171--By House.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to nonpublic personal health information.

SB 1172--By Yeckel.

An Act to repeal section 210.145, RSMo, and to enact in lieu thereof one new section relating to child abuse investigations.

Senator Klarich assumed the Chair.

SB 1173--By Yeckel.

An Act to repeal sections 32.052 and 143.183, RSMo, relating to income tax revenues from nonresidents, and to enact in lieu thereof two new sections relating to the same subject.

THIRD READING OF SENATE BILLS

SB 645, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 221.425, RSMo, relating to authorizing a sales tax for regional jail districts, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date for a certain section.

SCS for **SB 645**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 645

An Act to repeal section 221.425, RSMo, relating to authorizing a sales tax for regional jail districts, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 645** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 645** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland Quick--2

Absent with leave--Senators

Johnson Schneider--2

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 891, introduced by Senator Kenney, entitled:

An Act to repeal section 238.207, RSMo, relating to transportation development districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Kenney, **SB 891** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators

Johnson
Schneider--2

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 798, introduced by Senator Westfall, entitled:

An Act to repeal section 301.453, RSMo, relating to congressional license plates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Gross assumed the Chair.

On motion of Senator Westfall, **SB 798** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Singleton--1

Absent with leave--Senator Schneider--1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 1009**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1009

An Act to repeal sections 375.330, 375.345 and 376.311, RSMo, relating to investments by insurance companies, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 1009** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **SB 1009**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1009

An Act to repeal sections 375.330, 375.345 and 376.311, RSMo, relating to investments by insurance companies, and to enact in lieu thereof three new sections relating to the same subject.

Senator Rohrbach moved that **SS** for **SCS** for **SB 1009** be adopted.

President Maxwell assumed the Chair.

At the request of Senator Rohrbach, **SB 1009**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

At the request of Senator Westfall, **SB 970**, **SB 968**, **SB 921**, **SB 867**, **SB 868** and **SB 738**, with **SCS**, were placed on the Informal Calendar.

Senator Klarich moved that **SB 931**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 931**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 931

An Act to repeal sections 59.800, 347.143, 351.055, 351.182, 351.385, 351.400, 351.455, 400.9-303 and 400.9-628, RSMo, relating to business and commerce, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS** for **SB 931** be adopted.

Senator Klarich offered **SS** for **SCS** for **SB 931**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 931

An Act to repeal sections 347.143, 351.055, 351.120, 351.140, 351.145, 351.150, 351.155, 351.182, 351.385, 351.400, 351.455, 355.856, 356.211, 400.9-102, 400.9-109, 400.9-303, 400.9-311, 400.9-313, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625, 400.9-628, 400.9-710, 417.210 and 575.060, RSMo, relating to business and commerce, and to enact in lieu thereof forty-one new sections relating to the same subject, with penalty provisions.

Senator Klarich moved that **SS** for **SCS** for **SB 931** be adopted.

Senator Gibbons assumed the Chair.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, Page 2, Section A of said page, Line 3, by inserting after said line the following:

"59.040. 1. In a county of the third class, the question of combining the offices of circuit clerk and recorder or separating the offices may be submitted to the voters of the county by the county commission and shall be submitted by the county commission upon the petition of voters who comprise at least eight percent of the voters of the county as determined by the total vote for governor at the last preceding general election at which a governor was elected.

2. If the two offices are separate and the question is to combine the two offices, the question shall be submitted in substantially the following form:

Shall the offices of the circuit clerk and recorder in (name of county) county be combined?

3. If the two offices are combined and the question is to separate the two offices, the question shall be submitted in substantially the following form:

Shall the offices of circuit clerk and recorder in (name of county) county be separated?

4. The submission of the question provided for in this section may be made at the November election in 2004, or any fourth year thereafter. Any consolidation or separation brought about as a result of the provisions of this section shall not become effective until the expiration of the term of office of the officers affected.

59.042. In any county where the offices of the clerk of the circuit court and the recorder of deeds are combined, the governing body of said county [, by public vote,] may, **by their own action in public session or under the provisions of 59.040**, authorize the separation of the two offices. Thereafter the recorder of deeds shall be elected pursuant to section 59.020."; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Singleton assumed the Chair.

Senator Klarich moved that **SS** for **SCS** for **SB 931**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **SCS** for **SB 931**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons requested unanimous consent of the Senate to submit the following corrected committee report, which request was granted.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following corrected committee report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 688**, **SB 663**, **SB 691**, **SB 716**, **SB 759**, **SB 824** and **SB 955**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 775**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 744**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 989**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1017**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1041**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 1014**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 961**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Singleton, Chairman of the Committee on Public Health and Welfare, Senator Gross submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 924**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 642**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, Senator Kenney submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 670** and **SB 684**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 1174-By Steelman.

An Act to repeal section 386.390, RSMo, relating to the public service commission, and to enact in lieu thereof one new section relating to the same subject.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1069, regarding the One Hundred Fiftieth Anniversary of the Humansville First Baptist Church, which was adopted.

Senator Westfall offered Senate Resolution No. 1070, regarding the Humansville Chapter of the Family, Community, and Career Leaders of America, which was adopted.

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2002

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bills Nos. 727 & 703 entitled:

AN ACT

To repeal section 307.173, RSMo, and to enact in lieu thereof one new section relating to tinted windows, with a penalty provision and an emergency clause.

On February 14, 2002, I approved said Senate Committee Substitute for Senate Bill Nos. 727 & 703.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Junior Girl Scout Troop 404 from Skyline Elementary School, Sedalia; and Brianna Petree, Sara Perkins, Kaci Drake and Amy Von Holten were made honorary pages.

On behalf of Senator Klarich and himself, Senator Loudon introduced to the Senate, eighty students from the Seventh Senatorial Youth Group,

St. Louis County.

On behalf of Senators Klindt, Steelman and himself, Senator Caskey introduced to the Senate, Jason and Jennifer Whitt, and their children, Hannah and August, Rolla; and Phillip and Nancy Young, Appleton City; and Hannah and August were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY-TUESDAY, FEBRUARY 19, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1128-Johnson

SB 1129-Johnson

SB 1130-House

SB 1131-Gibbons

SB 1132-Kennedy

SB 1133-Gross

SB 1134-Yeckel

SB 1135-Yeckel and Loudon

SB 1136-Bentley and Stoll

SB 1137-Bentley

SB 1138-Childers

SB 1139-Sims

SB 1140-Rohrbach

SB 1141-Bland

SB 1142-Jacob

SB 1143-Jacob

SB 1144-Dougherty

SB 1145-Schneider, et al

SB 1146-Schneider

SB 1147-Kennedy

SB 1148-Yeckel

SB 1149-Singleton

SB 1150-Kinder

SB 1151-Kinder

SB 1152-Klarich

SB 1153-Gibbons

SB 1154-Gibbons

SB 1155-Gibbons

SB 1156-Steelman

SB 1157-Klindt

SB 1158-Rohrbach, et al

SB 1159-Rohrbach and Russell

SB 1160-Sims

SB 1161-Rohrbach, et al

SB 1162-Wiggins, et al

SB 1163-Steelman

SB 1164-Coleman, et al

SB 1165-Mathewson, et al

SB 1166-DePasco

SB 1167-Gibbons, et al

SB 1168-Russell

SB 1169-Childers

SB 1170-Childers

SB 1171-House

SB 1172-Yeckel

SB 1173-Yeckel

SB 1174-Steelman

SJR 34-Gibbons

SJR 35-Jacob

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 &

1559 THIRD READING OF SENATE BILLS

SCS for SB 712-

Singleton and Sims

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 722-Bentley, with SCS

2. SB 856-Russell

3. SB 895-Yeckel and Gross

4. SB 675-Yeckel, et al,

with SCS

5. SB 881-Steelman and

Yeckel, with SCS

6. SBs 641 & 705-Russell,

et al, with SCS

7. SBs 721, 757, 818 &

930-Westfall, with SCS

8. SB 665-Kenney

9. SB 836-Gross and

Dougherty, with SCS

10. SB 840-Gross and

Russell, with SCS

11. SB 740-Wiggins
12. SB 687-Gibbons and
Yeckel
13. SB 959-Kenney and
Kinder, with SCS
14. SBs 817, 978 & 700-
Gross, with SCS
15. SBs 837, 866, 972 &
990-Cauthorn, with SCS
16. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
17. SBs 894, 975 & 927-
Kinder, with SCS
18. SBs 670 & 684-Sims,
with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 651-Singleton and
Russell, with SCS (pending)
- SB 659-House and Kenney,
with SS#2 (pending)
- SB 660-Westfall, et al,
with SCS (pending)
- SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 958 & 657-Kinder,

with SCS

SBs 970, 968, 921, 867,

868 & 738-Westfall, et

al, with SCS

SB 1009-Rohrbach, with

SCS & SS for SCS (pending)

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

Reported 2/12

SB 974-Childers and Westfall

SB 885-Bentley, with SCS

SB 992-Johnson

SB 993-Rohrbach

SB 997-Quick, with SCS

SB 756-Westfall, with SCS

SB 718-House and Steelman

SB 1048-Kenney

SB 918-Klarich, with SCS

SB 831-Loudon and Kennedy

SB 812-Russell

SB 729-Yeckel, with SCS

SB 690-Gross

SB 1001-Mathewson

Reported 2/18

SB 775-House and Loudon

SB 744-Caskey

SB 989-Caskey

SB 1017-Cauthorn

SB 1041-Russell

SB 1014-Klindt and Kinder

SB 961-Wiggins, et al

SB 924-Sims, with SCS

SB 642-Russell, with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

To be Referred

SCR 47-Childers

Reported from Committee

SCR 38-Klarich

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY--TUESDAY, FEBRUARY 19, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Abram believed the Lord; and the Lord reckoned it to him as righteousness." (Genesis 15:6)

Gracious God, Your promises are true and overflowing into our lives. Let us never doubt what You have said will come true, for we depend on Your promises throughout our daily living, for they carry us when we feel the weakest. Let us have the fervent faith of an Abraham so we too might be accounted as righteous. In Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Staples offered Senate Resolution No. 1071, regarding Corrections Officer I Richard G. Fishbeck, Farmington, which was adopted.

Senator Staples offered Senate Resolution No. 1072, regarding Corrections Officer I Jeffrey M. McCarty, Farmington, which was adopted.

Senator Staples offered Senate Resolution No. 1073, regarding Corrections Supervisor I Steven F. Perkins, Farmington,

which was adopted.

Senators Loudon and Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1074

WHEREAS, the members of the Missouri Senate wholeheartedly believe that a successful marriage forms a firm foundation for a lifetime of happiness and security and wish to salute an outstanding Missouri couple whose union confirms that philosophy; and

WHEREAS, Mr. and Mrs. F. William "Bill" Gee, treasured residents of Jefferson City, Missouri, will commemorate the splendid occasion of their Sixtieth Wedding Anniversary on February 21, 2002; and

WHEREAS, joined in marriage before the eyes of the Lord on February 21, 1942, F. William Gee and Janice Irene Cheek began their lives together as husband and wife after a memorable wedding ceremony in Burbank, California; and

WHEREAS, a proud father, caring husband, and wonderful grandfather and great-grandfather whose great-grandchildren call him "Papa Gee", Mr. Gee dutifully served his country in the United States Army Air Corps during World War II and provided a safe and secure future for his loved ones as the proud owner of The Uniform Clinic for twenty years, while somehow finding the time and energy for affiliation with the Coast Guard Auxiliary, the Masonic Lodge, and the Shriners for fifty years; and

WHEREAS, a devoted wife, loving mother, and exemplary homemaker, Mrs. Gee enjoyed her family immensely and showed her special love for them by supporting their every endeavor and serving as a shining example to her daughter, granddaughter, and great-grandchildren, who lovingly refer to her as "Neechie"; and

WHEREAS, devout members of the First Christian Church where Bill has glorified the Lord as a Deacon for many years, Bill and Janice Gee attribute their sixty years of wedded success and happiness to their strong sense of faith and family, the foundation upon which they have planted the seeds of their love and respect for each other in the generations to follow which include their daughter, Dea Spencer; their granddaughter, Gina Loudon; and their two great-granddaughters, Lily and Lyda Loudon:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in a thunderous round of applause for Bill and Janice Gee upon the glorious celebration of their Sixtieth Wedding Anniversary, and in wishing them tremendous peace, prosperity, and contentment as they proudly begin their seventh decade of wedded success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mr. and Mrs. Bill Gee, as a measure of our esteem for them.

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1075

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone achievements in the careers of Show-Me State educators whose dedication, skills, and innovative practices have enhanced the learning opportunities of the youth under their charge; and

WHEREAS, Brian Weaver of Jennings Junior High School was the very surprised recipient of a Milken Family Foundation National Educator Award which was presented to him locally by Dr. D. Kent King, Commissioner of Education with the Missouri Department of Elementary and Secondary Education, during an all-school assembly that was called in his honor on October 10, 2001; and

WHEREAS, one of two Missouri educators chosen for the award during 2001, Brian Weaver joins 120 outstanding educators in 43 other states who were secretly nominated and chosen for the \$25,000 unrestricted grants; and

WHEREAS, Brian Weaver is a teacher of social studies who effectively uses instructional technology with his classes which are composed predominantly of at-risk, economically-disadvantaged youth; and

WHEREAS, utilizing an inquiry-based instructional process in which students research a project or question of significant historical and social importance, Brian Weaver requires the research to be followed by a written explanatory document and an oral presentation incorporating PowerPoint illustrations; and

WHEREAS, conceived in 1985 and first presented in 1987, the National Educator Awards from the Milken Family Foundation include an all-expense-paid trip to Los Angeles for the annual National Education Conference; and

WHEREAS, Brian Weaver will receive his prestigious award grant on Friday, February 22, 2002, at the 2001 Milken Family Foundation National Educator Awards dinner in Columbia, Missouri:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the impressive life and exceptional educational career of Brian Weaver and to convey to him our heartiest congratulations and best wishes as he looks to even greater challenge in the years ahead; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Brian Weaver of Jennings Junior High School.

CONCURRENT RESOLUTIONS

Senators Sims, DePasco, Quick, Gibbons and Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 48

WHEREAS, there are a total of 221,200 Missouri jobs that are dependant on the automobile industry; and

WHEREAS, these Missouri jobs are important to communities in terms of employment opportunities and training, supporting Missouri tax bases and education systems; and

WHEREAS, the state of Missouri produced 1,221,109 cars and light trucks in 1999; and

WHEREAS, in 2000, 52% of new vehicles registered in Missouri were light trucks; and

WHEREAS, residents of Missouri rely heavily on light trucks to meet the needs of families, small businesses, farmers, ranchers, and tradesmen; and

WHEREAS, the Corporate Average Fuel Economy (CAFÉ) standards particularly disadvantage manufacturers who offer a broad range of cars and trucks; and

WHEREAS, increases in CAFÉ standards will limit the supply of mid- and full-sized cars and trucks which will increase the price of those vehicles; and

WHEREAS, the truck segment is the growth segment in the industry, responsible for expansion and new jobs; and

WHEREAS, major increases in CAFÉ would restrict or eliminate some of the most popular Missouri cars and trucks, with the accompanying Missouri jobs; and

WHEREAS, all nine members of the Missouri United States Congressional Delegation voted against CAFÉ increases during the United States House of Representatives debate on House Resolution No. 4; and

WHEREAS, there are several proposals before the United States Senate to increase the standards for Corporate Average Fuel Economy (CAFÉ):

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the Missouri General Assembly oppose the increases in CAFÉ standards and any increase in CAFÉ; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for every member of the Missouri Congressional Delegation.

Senator Rohrbach offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 49

BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed, and bound all acts and resolutions of the Ninety-first General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws, and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninety-first General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 1175--By Kennedy.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to immunizations.

SB 1176--By Loudon.

An Act to amend chapter 313, RSMo, by adding thereto four new sections relating to gambling.

SB 1177--By Coleman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for certain parents, with an effective date.

SJR 36--By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18 of article X of the Constitution of Missouri relating to limitation on state revenues, and adopting one new section in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 865, introduced by Senators Foster and Kinder, entitled:

An Act to repeal section 263.531, RSMo, relating to boll weevil eradication, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Foster.

Senator Rohrbach assumed the Chair.

On motion of Senator Foster, **SB 865** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			

Absent--Senators

Bentley

Bland--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 639, introduced by Senator Caskey, entitled:

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to processing requirements for jams and jellies.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 639** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Bentley

Quick--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 932, introduced by Senator Klarich, entitled:

An Act to repeal section 535.081, RSMo, relating to rent recovery by a successor in title, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 932** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
Coleman	DePasco	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators		
Dougherty	Goode--2		
	Absent--Senator Bentley--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 659**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SB 659** was again taken up.

Senator Bland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 659, Page 3, Section 160.400, Line 6, by inserting after the word "section" the following: "**or school districts declared unaccredited or provisionally accredited by the state board of education pursuant to section 161.092, RSMo**".

Senator Bland moved that the above amendment be adopted, which motion failed.

President Maxwell assumed the Chair.

Senator Bland offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 659, Page 18, Section 160.420, Lines 5-17 of said page, by striking all of said lines and inserting in lieu thereof the following: "benefits provided to the employee. [A] **Any** teacher who accepts a position at a **district-sponsored** charter school [and opts to remain an employee of the district retains] **shall retain** such teacher's permanent teacher status and seniority rights in the district. **Any teacher who accepts a position at a charter school not sponsored by the school district shall forfeit such teacher's permanent teacher status and seniority rights in the district.** The school district shall not be liable for any such employee's acts while an employee of the charter school."

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators House, Jacob, Rohrbach and Singleton.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Coleman	DePasco
Goode	Jacob	Johnson	Quick
Sims--9			
NAYS--Senators			
Cauthorn	Childers	Dougherty	Foster
Gibbons	Gross	House	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
Absent--Senators			
Bentley	Schneider--2		
Absent with leave--Senators--None			

Senator Bland offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 659, Page 5, Section 160.400, Lines 9-29 of said page, by striking all of said lines; and

Further amend said bill, Page 6, Section 160.400, Lines 1 to 21 of said page, by striking all of said lines and inserting in lieu thereof the following:

"9. There is hereby established a "Charter School Sponsor Oversight and Accountability Committee". The committee shall consist of seven members, each serving four year terms, and selected as follows:

- (1) One member of the state board of education appointed by the president of the board;**
- (2) Two members of the chamber of commerce, one to be appointed by the president of the chamber of commerce located in a city located in more than one county with a population of at least four hundred forty-one thousand but less than four hundred fifty thousand inhabitants, and one to be appointed by the president of the chamber of commerce located in a city not within a county;**
- (3) One member shall be appointed by the state treasurer or his or her designee;**
- (4) One member shall be appointed by the National Education Association; and**
- (5) Two members, appointed by the governor, who reside in school districts with functioning charter schools.**

The committee shall be responsible for monitoring charter school funding, financial transactions, accountability standards and the implementation of all the requirements of sections 160.400 to 160.420.

10. The department of elementary and secondary education shall adopt rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August

28, 2002, shall be invalid and void.

11. No later than April 1, 2003, the state board of education shall establish a process whereby a charter school may be evaluated for compliance with applicable school-level standards of the Missouri school improvement program review. In addition to any performance study required pursuant to subsection 3 of section 160.410, every charter school located in an urban school district shall demonstrate compliance with the standards established by the state board of education pursuant to this subsection or provide, to the sponsor and the state board of education, documentation of accreditation of such charter school by an independent accrediting agency which accredits one or more non-public schools in this state which has standards which are no lower than the standards established by the state board pursuant to this subsection. Beginning with the 2003-04 school year, a sponsor shall suspend or revoke the charter of any charter school in an urban school district which school fails to provide documentation demonstrating compliance with the requirements of this subsection."; and further amend by renumbering the remaining subsections accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Yeckel offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 659, Page 7, Section 160.400, Line 22 by adding after said line the following new section:

"160.403. 1. There is hereby established the public charter school board.

2. The public charter school board shall be comprised of nine voting members.

(1) Each of the three universities or colleges, which have the largest number of students attending charter schools from charters granted by that sponsor, shall propose a list of five names of people with a demonstrated commitment to educational options to the governor of which the governor shall select one name for appointment with the advice and consent of the senate. The sponsor with the largest number of students attending charter schools from charters granted by that sponsor shall nominate five people associated with not for profit agencies which serve youths in political subdivisions where charter schools may be authorized. The sponsor with the second largest number of students attending charter schools from charters granted by that sponsor shall nominate five people associated with the ownership or management of businesses in political subdivisions where charter schools may be authorized. The sponsor with the third largest number of students attending charter schools from charters granted by that sponsor shall nominate five people who live and have children attending elementary or secondary schools in political subdivisions where charter schools may be authorized.

(2) The president pro temp of the Senate shall appoint, one member of the Senate who possesses a demonstrated interest and knowledge in charter public schools to serve on the board for a three year term.

(3) The speaker of the house shall appoint, one member of the House of Representatives who possesses a demonstrated interest and knowledge in charter public schools to serve on the board for a three-year term.

(4) The governor shall appoint, one member of general public who possesses a demonstrated interest, support and knowledge in charter public schools to serve on the board with the advice and consent of the senate.

(5) The governor shall appoint, three members from the boards of directors of operating charter schools. The appointments shall be geographically distributed and allow for the representation of large, medium and small charter schools. The appointments shall be with the advice and consent of the senate.

Board members shall be appointed to serve three-year terms, and each member may be re-appointed to serve one additional three-year appointment except that the governor shall select three of his appointments to initially serve one year terms and three of his appointments to serve two year terms such that each year three of the terms shall come to an end. Board vacancies shall be filled by the same procedure that was previously used to select the vacating board member. Board members appointed to serve partial terms shall be eligible to serve two additional three-year terms.

Areas of knowledge and expertise represented on the board shall include: research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools; school finance, budgeting, and school management techniques; educational, and social needs of urban youth; K-12 education; and parent and community involvement.

No person employed by entities authorized to sponsor charter schools, the department of elementary and secondary education or the coordinating board of higher education shall be eligible to be a member of the board or to be employed by the board.

3. The board shall annually elect a chair and other such officers, as it deems necessary from among its membership.

4. Members of the board are not eligible to receive compensation but shall be eligible for reimbursement of reasonable expenses relating to service on the board.

5. The board shall:

(1) Review charter applications and grant or not grant charters, notifying applicants of a decision, in writing, within 60 days of submissions of applications;

(2) Grant charter status to qualifying applicants that:

(a) Meet the criteria developed by the Board; and

(b) Meet the standards and account-ability requirements specified in subsection 14, of this section;

(3) Encourage the creation of innovative, high quality charter public schools;

(4) Provide leadership and support for sponsors to increase innovation, effectiveness, and accountability;

(5) Keep a record of its proceedings;

(6) Adopt rules for its own government;

(7) Determine policy for the Board and the work undertaken by it;

(8) Prepare a budget for expenditures necessary for the proper maintenance of the board and the accomplishment of its purpose.

(9) Prepare request for proposals that provide for the hiring of all necessary personnel and advisors by contract and shall not directly hire personnel, which could be considered a state employee.

6. A majority of the members of the board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the board.

7. Subject to such rules as may be made by the board, the chair shall have the power to appoint, terminate, and fix the pay of such personnel the chair deems necessary.

8. The department of elementary and secondary education shall provide the same resources and personnel that

it currently provides to the state board of education without assigning additional costs to the Public Charter School Board.

9. The department of elementary and secondary education or its successor shall provide all administrative support required by the Public Charter School Board within current appropriations made to the department of elementary and secondary education as a whole by the general assembly.

10. There is hereby established a "Public Charter School Board Fund". The state treasurer shall, on the first business day of each fiscal year, transfer, from general revenue to the public charter school board fund, ninety-nine thousand dollars on an annual basis. The fund shall be subject to appropriation. The fund may receive any and all public or private funds donated, granted or gifted as well as any federal funds that may become available for state charter school activities. The fund shall be used exclusively for the operation of the public charter school board.

11. The public charter school board shall have a separate and unique appropriation for its operation. The department of elementary and secondary education shall not have budgetary authority over the development of budgetary requests or the expenditures of funds.

12. The purposes of receiving federal grants, any public charter school shall be consider a local educational authority and shall be able to directly apply for and receive federal funds and grants in the same manner as any other public school.

13. Notwithstanding any other provision of law, the department of elementary and secondary education shall directly distribute to every public charter school all state and local funds that would otherwise be distributed by the local school district. The department of elementary and secondary education shall provide free of charge and without delay or impediment, all necessary support services for a public charter school to comply with any existing or new rules, regulations, procedures, documentation requirements or reports established by the department of elementary and secondary education for the receipt or distribution of funds.

14. The public charter school board shall develop policies and procedures to measure and report the performance of schools and students for whom the board grants charters. These policies and procedures shall be incorporated into charters that they grant. The policies and procedures shall be designed to be compatible with the educational concept of the charter and philosophy of charter schools and measure incremental milestones and incremental progress. Student progress shall be measured using data from a variety of different, discrete vehicles, including but not limited to the MAP test, the Stanford Nine, student portfolios and other sources of student level data. These policies and procedures shall be designed to give useful information to parents and guardians who make the school selection decision.

15. Upon the first meeting of the public carter school board, all authority previously granted to the department of elementary and secondary education or the state board of education in sections 160.400 to 160.420 RSMo may be transferred to the public charter school board by rules and regulations that it adopts. The public charter school board shall consult with the department of elementary and secondary and the state school board prior to adopting said rules and regulations.

16. The public charter school board may promulgate rules to implement this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgate pursuant to chapter 536 RSMo"; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above substitute amendment be adopted.

At the request of Senator House, **SB 659**, with **SS No. 2**, **SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 1011**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 810**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 786**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 1015**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read a 2nd time and referred to the Committees indicated:

SB 1128--Local Government and Economic Development.

SB 1129--Local Government and Economic Development.

SB 1130--Judiciary.

SB 1131--Commerce and Environment.

SB 1132--Local Government and Economic Development.

SB 1133--Pensions and General Laws.

SB 1134--Civil and Criminal Jurisprudence.

SB 1135--Pensions and General Laws.

SB 1136--Education.

SB 1137--Judiciary.

SB 1138--Local Government and Economic Development.

SB 1139--Labor and Industrial Relations.

SB 1140--Appropriations.

SB 1141--Insurance and Housing.

SB 1142--Judiciary.

SB 1143--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1144--Commerce and Environment.

SB 1145--Public Health and Welfare.

SB 1146--Aging, Families and Mental Health.

SB 1147--Insurance and Housing.

SB 1148--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1149--Ways and Means.

SB 1150--Pensions and General Laws.

SB 1151--Local Government and Economic Development.

SB 1152--Judiciary.

SB 1153--Ways and Means.

SB 1154--Ways and Means.

SB 1155--Pensions and General Laws.

SB 1156--Insurance and Housing.

SB 1157--Insurance and Housing.

SB 1158--Ways and Means.

SB 1159--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1160--Public Health and Welfare.

SB 1161--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SJR 34--Commerce and Environment.

SJR 35--Judiciary.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 47--Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, Senator Kenney submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 1005**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1076, regarding Brandi Richards, Springfield, which was adopted.

Senator Kenney offered Senate Resolution No. 1077, regarding Stephanie Tellis, Kansas City, which was adopted.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Westfall.

THIRD READING OF SENATE BILLS

SB 742, with **SCA 1**, introduced by Senator Caskey, entitled:

An Act to repeal section 469.411, RSMo, relating to trusts and estates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 742**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Mathewson	Russell	Schneider--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 860, introduced by Senator Rohrbach, entitled:

An Act to repeal sections 161.400, 161.403, 161.405, 161.407, 191.928, 191.934, 209.285, 209.287, 209.318, 209.319, 209.321, 209.323, 209.326, 209.334, 476.750, 476.760, and 476.763, RSMo, and to enact in lieu thereof seventeen new sections relating to the deaf and hard of hearing.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 860** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Mathewson	Schneider	Staples	Stoll--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 995, introduced by Senator Rohrbach, entitled:

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

Was called from the Consent Calendar and taken up.

Senator Rohrbach moved that **SB 995** be read the 3rd time and finally passed.

At the request of Senator Rohrbach, the motion for 3rd reading was withdrawn, which placed the bill back on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 722**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 722**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 722

An Act to repeal section 168.081, RSMo, relating to alternative certification standards for principals, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Bentley moved that **SCS** for **SB 722** be adopted, which motion prevailed.

Senator Childers assumed the Chair.

On motion of Senator Bentley, **SCS** for **SB 722** was declared perfected and ordered printed.

Senator Russell moved that **SB 856** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 856, Page 1, Section 135.259, Line 8, by inserting immediately after said line the following:

"135.260. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in every city of the fourth classification with greater than five thousand two hundred inhabitants and less than five thousand three hundred inhabitants in every noncharter county of the first classification which contains greater than one hundred four thousand inhabitants and fewer than one hundred five thousand inhabitants. Such enterprise zone shall only be made if such area in the city which is to be included meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **SB 856**, as amended, was declared perfected and ordered printed.

Senator Yeckel moved that **SB 895** be taken up for perfection, which motion prevailed.

Senator Gibbons offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 895, Pages 31 and 32, Section 525.075, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 895, Page 33, Section 700.350, Line 60, by inserting after said line:

"6. On new sales of a manufactured home, if the title to said home is not provided within 30 days of delivery of the home, then the sale of said home shall be deemed void from the beginning."

Senator Caskey moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Bill No. 895, Page 33, Section 700.350, Line 60, by inserting after said line:

"6. On new sales of a manufactured home, if the title to said home is not provided within 30 days of delivery of the home, then the sale of said home shall be voidable by the purchaser from the beginning."

Senator Klarich moved that the above substitute amendment be adopted, which motion prevailed.

Senator Gibbons assumed the Chair.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 895, Pages 19-20, Section 365.100, Lines 1-22, by deleting all of said section; and

Further amend title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 3** was withdrawn.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 895, Page 19, Section 365.100, Line 3, by deleting the opening bracket on said line; and

Further amend said page, said section, line 5 by deleting the closing bracket; and

Further remove the bold language from said line through line 12 and ending with the word "dollars"; and

Further amend page 20 of said section, line 19, by deleting the word "and".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kennedy, Klarich, Stoll and Wiggins.

SA 4 failed of adoption by the following vote:

	YEAS--Senators		
Coleman	Dougherty	Goode	House
Jacob	Wiggins--6		
	NAYS--Senators		
Caskey	Cauthorn	Childers	Gibbons
Gross	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Yeckel--20
	Absent--Senators		
Bentley	Bland	DePasco	Foster
Johnson	Schneider	Staples	Westfall--8
	Absent with leave--Senators--None		

At the request of Senator Yeckel, **SB 895**, as amended, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 931**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **SB 712**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1178--By Kinder and Childers.

An Act to repeal section 313.004, RSMo, and to enact in lieu thereof one new section relating to the authority of the gaming commission to authorize new types of wagering, with penalty provisions.

SB 1179--By Caskey and Dougherty.

An Act to repeal section 50.343, RSMo, relating to compensation for certain county treasurers, and to enact in lieu thereof one new section relating to the same subject.

SB 1180--By Jacob.

An Act to repeal sections 376.951, 376.952, 376.955 and 376.957, RSMo, and to enact in lieu thereof nine new sections relating to long-term care insurance, with penalty provisions.

SB 1181--By Coleman.

An Act to repeal section 569.100, RSMo, and to enact in lieu thereof one new section relating to property damage of a motor vehicle, with penalty provisions.

SB 1182--By Singleton.

An Act to repeal section 334.104, RSMo, relating to the state board of registration for the healing arts, and to enact in lieu thereof two new sections relating to the same subject.

SB 1183--By Bentley.

An Act to repeal sections 160.011, 160.051, 160.530, 161.092, 163.011 and 166.260, RSMo, and to enact in lieu thereof seven new sections relating to family literacy programs.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1078, regarding Northview Elementary School Panther Pride program, North Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 1079, regarding Bradley Reed Evans, which was adopted.

Senator Dougherty offered Senate Resolution No. 1080, regarding Kas Mahfood, Jefferson City, which was adopted.

Senator Bentley offered Senate Resolution No. 1081, regarding Clinton D. Copeland, Springfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 1082, regarding the South County YMCA Aquatic and Water Fitness program, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1083, regarding Jacob Daniel "Jake" Summers, Affton, which was adopted.

COMMUNICATIONS

Senator Quick submitted the following:

February 18, 2002

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

Please accept the following revisions to Democratic assignments on Senate Committees:

Agriculture, Conservation, Parks and Tourism

Remove Ken Jacob and add Maida Coleman

Appropriations

Remove Sidney Johnson and add Maida Coleman

Financial and Governmental Organization, Veterans' Affairs and Elections

Remove Steve Stoll and add Maida Coleman

Gubernatorial Appointments

Remove Harry Kennedy and add Maida Coleman

Sincerely,

/s/ Ed Quick

Edward E. Quick

State Senator

District 17

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Chris Klinger, Robert Poli, Laura Slay and Karen Mariani, St. Louis.

Senator Childers introduced to the Senate, Eric Gibson and Diana Moss, West Plains.

On behalf of Senator House and himself, Senator Gross introduced to the Senate, Mike Dudley, St. Charles.

Senator Staples introduced to the Senate, Angela Meredith, Oregon County; Hillary Walker, Howell County; and Kathleen B. Morrison, Ph.D., Springfield.

Senator Singleton introduced to the Senate, students from Central Elementary School, Neosho; and Iliana Sanchez, Kendra Franks, Bo Mahr and Alexsandra McMahan were made honorary pages.

Senator Singleton introduced to the Senate, Buzz Ball, Neosho.

Senator Foster introduced to the Senate, the Physician of the Day, Dr. Kirby Turner, M.D., Poplar Bluff.

Senator Caskey introduced to the Senate, Ms. Kerrie Jacobs and thirty fourth grade students and sponsors from Miami R-I School, Amoret; and Leslie Beasley, Brandy White, Ryan Slattery and Colten Booth were made honorary pages.

Senator Kenney introduced to the Senate, Dick Van Aalsburg, Judy Million and fourth grade students from Lee's Summit Community Christian School, Lee's Summit; and Emily Finch, Jacob Johnson, Jamie Schlotzhauer, Cheyenne Bartlett, Steve Santon and Brandon Barr were made honorary pages.

Senator Steelman introduced to the Senate, Laura Cyrs and Henry Antolak, Rolla.

Senator Cauthorn introduced to the Senate, Katie Stathers, Hannibal.

Senator Staples introduced to the Senate, Joe Layden, Bonne Terre.

Senator Stoll introduced to the Senate, Michael and Sherri Santschi, and their children, Angela, Bryan, Logan, Macie and Alexis, Arnold; and Angela, Bryan, Logan, Macie and Alexis were made honorary pages.

Senator Yeckel introduced to the Senate, LaVerne Cannon Endebrock and John Endebrock, St. Louis; and Linda Garner, Oakville.

Senator Loudon introduced to the Senate, his wife, Gina, Ballwin; her mother and step-father, Dale and Deitra Spencer; and her grandparents, F.W. "Bill" and Janice Gee, Jefferson City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIFTH DAY-WEDNESDAY, FEBRUARY 20, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1162-Wiggins, et al

SB 1163-Steelman

SB 1164-Coleman, et al

SB 1165-Mathewson, et al

SB 1166-DePasco

SB 1167-Gibbons, et al

SB 1168-Russell

SB 1169-Childers

SB 1170-Childers

SB 1171-House

SB 1172-Yeckel

SB 1173-Yeckel

SB 1174-Steelman

SB 1175-Kennedy

SB 1176-Loudon

SB 1177-Coleman

SB 1178-Kinder and Childers

SB 1179-Caskey and Dougherty

SB 1180-Jacob

SB 1181-Coleman

SB 1182-Singleton

SB 1183-Bentley

SJR 36-Jacob

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 &

1559

THIRD READING OF SENATE BILLS

SCS for SB 712-

Singleton and Sims

SS for SCS for SB 931-

Klarich

SENATE BILLS FOR PERFECTION

1. SB 675-Yeckel, et al, with SCS

2. SB 881-Steelman and

Yeckel, with SCS

3. SBs 641 & 705-Russell,

et al, with SCS

4. SBs 721, 757, 818 &

930-Westfall, with SCS

5. SB 665-Kenney

6. SB 836-Gross and
Dougherty, with SCS
7. SB 840-Gross and
Russell, with SCS
8. SB 740-Wiggins
9. SB 687-Gibbons and
Yeckel
10. SB 959-Kenney and
Kinder, with SCS
11. SBs 817, 978 & 700-
Gross, with SCS
12. SBs 837, 866, 972 &
990-Cauthorn, with SCS
13. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
14. SBs 894, 975 & 927-
Kinder, with SCS
15. SBs 670 & 684-Sims,
with SCS
16. SB 1005-Loudon

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 895-Yeckel and Gross

SBs 958 & 657-Kinder,

with SCS

SBs 970, 968, 921, 867,

868 & 738-Westfall, et

al, with SCS

SB 1009-Rohrbach, with

SCS & SS for SCS (pending)

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

Reported 2/12

SB 974-Childers and Westfall

SB 885-Bentley, with SCS

SB 992-Johnson

SB 993-Rohrbach

SB 997-Quick, with SCS

SB 756-Westfall, with SCS

SB 718-House and Steelman

SB 1048-Kenney

SB 918-Klarich, with SCS

SB 831-Loudon and Kennedy

SB 812-Russell

SB 729-Yeckel, with SCS

SB 690-Gross

SB 1001-Mathewson

Reported 2/18

SB 775-House and Loudon

SB 744-Caskey

SB 989-Caskey

SB 1017-Cauthorn

SB 1041-Russell

SB 1014-Klindt and Kinder

SB 961-Wiggins, et al

SB 924-Sims, with SCS

SB 642-Russell, with SCS

Reported 2/19

SB 1011-Caskey

SB 810-Dougherty, with SCS

SB 786-Goode

SB 1015-Foster and Mathewson,

with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

To be Referred

SCR 48-Sims, et al

SCR 49-Rohrbach

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIFTH DAY--WEDNESDAY, FEBRUARY 20, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"If you keep silent at such a time as this...you will perish." (Esther 4:14)

Almighty God, we are called to share our resources and our care for Your creation. Loosen our tongues to speak out against those things that will cause evil in all its forms. And give us a glimpse of Your vision of justice so that we may do our part in bringing that vision into a reality for our people by the laws we create and the actions we take. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1084, regarding Nathaniel David Mrad, Springfield, which was adopted.

THIRD READING OF SENATE BILLS

SB 708, introduced by Senator Mathewson, entitled:

An Act to repeal section 644.021, RSMo, relating to the clean water commission, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 708** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Coleman	Jacob--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 974, introduced by Senators Childers and Westfall, entitled:

An Act to repeal section 304.200, RSMo, relating to length limitations on certain vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **SB 974** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Jacob	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for **SB 712**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 712

An Act to repeal sections 44.010, 44.100, 190.500, 192.320, 473.697, 490.620 and 610.021, and to enact in lieu thereof twelve new sections relating to state emergency health powers, with an emergency clause, penalty provisions and an expiration date for a certain section.

Was taken up by Senator Singleton.

Senator Rohrbach assumed the Chair.

On motion of Senator Singleton, **SCS** for **SB 712** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Coleman	DePasco	Dougherty	Foster
Jacob	Johnson	Kennedy	Kenney
Mathewson	Quick	Russell	Sims
Singleton	Staples	Stoll	Wiggins--20
NAYS--Senators			
Cauthorn	Gibbons	Goode	Gross
House	Kinder	Klarich	Klindt
Loudon	Rohrbach	Schneider	Steelman
Westfall	Yeckel-- 14		
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Coleman	DePasco	Dougherty	Jacob
Johnson	Kennedy	Kenney	Mathewson
Quick	Russell	Sims	Singleton
Staples	Stoll	Wiggins--19	
NAYS--Senators			
Cauthorn	Foster	Gibbons	Goode
Gross	House	Kinder	Klarich
Klindt	Loudon	Rohrbach	Schneider
Steelman	Westfall	Yeckel-- 15	
Absent--Senators--None			

Absent with leave--Senators--None

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 931**, introduced by Senator Klarich, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 931

An Act to repeal sections 59.042, 347.143, 351.055, 351.120, 351.140, 351.145, 351.150, 351.155, 351.182, 351.385, 351.400, 351.455, 355.856, 356.211, 400.9-102, 400.9-109, 400.9-303, 400.9-311, 400.9-313, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625, 400.9-628, 400.9-710, 417.210 and 575.060, RSMo, relating to business and commerce, and to enact in lieu thereof forty-three new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Klarich, **SS** for **SCS** for **SB 931** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SJR 37--By Klindt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri relating to powers and duties of the state highways and transportation commission, and adopting two new sections in lieu thereof relating to the same subject.

SB 1184--By Steelman.

An Act to repeal sections 190.092 and 190.142, RSMo, relating to emergency services, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 1185--By Kenney.

An Act to repeal section 313.230, RSMo, relating to the frequency of drawings in lottery games, and to enact in lieu thereof one new section relating to the same subject.

SB 1186--By Kenney.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to required set-asides of private land by political subdivisions.

SB 1187--By Kennedy.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof twenty-two new sections relating to private investigators, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 722**; and **SB 856**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Rohrbach assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1451**, entitled:

An Act to repeal section 8.010, RSMo, and to enact in lieu thereof one new section relating to the addition of members of the general assembly to the Missouri board of public buildings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Kinder referred **SB 856** to the Committee on State Budget Control.

President Pro Tem Kinder referred **SCR 48** and **SCR 49** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Dougherty introduced to the Senate, Amber Smidt, Trans Jones, Courtney Richard and Christi Sobee, St. Louis.

Senator Wiggins introduced to the Senate, Sudy Hurst and Amy Baumgartner, Kansas City.

Senator Foster introduced to the Senate, Ruth and Martha Martin, Fairdealing.

Senator Westfall introduced to the Senate, Chris Speer, Webb City.

Senator Childers introduced to the Senate, J.E. Hill, Howell County.

Senator Singleton introduced to the Senate, Megan Allen, Carterville; Eric Ceinnian, Chris Speer and Drew Whitworth, Joplin; Misti Stone, Oronogo; and Dr. Ron Lankford and Kelli Cragin, Webb City.

Senator Kinder introduced to the Senate, Dr. Desma Reno and representatives of the Southeast Missouri Area Health Education Council, Cape Girardeau.

Senator Sims introduced to the Senate, Misty Stone, Webb City.

Senator Bentley introduced to the Senate, Kathy Steinberg, Mary Craven, Elaine M. Cook, Marlene McCord, Catherine Collison, Linda McAllister, Yvette Hughes, Jennifer Hover, Melanie Blunt, Laura Meek, Becky Heron and Sue Noakes of the Springfield Junior League.

Senator Foster introduced to the Senate, Eric Boswell, Harviell.

Senator Johnson introduced to the Senate, Dustin Bauer, Easton; and Dana Staley, Rea.

Senator Steelman introduced to the Senate, Jessica Lehenbauer, Auxvasse.

Senator Caskey introduced to the Senate, Jason Hayes, Pleasant Hill.

Senator Rohrbach introduced to the Senate, Benjamin Marshall, Jamestown.

Senator Staples introduced to the Senate, Renea Honeycutt, Myrtle.

Senator House introduced to the Senate, Jason Davis, Warrenton.

Senator Westfall introduced to the Senate, Erica Coble, Walnut Grove; and Jamie Lile, Strafford.

Senator Klindt introduced to the Senate, Molly Quinn, Chillicothe.

Senator Singleton introduced to the Senate,

Crystal Mathews, Carthage.

Senator Kinder introduced to the Senate, Matthew Fox, Marble Hill.

Senator Mathewson introduced to the Senate, Andrea Olendorff, Salisbury.

Senator Sims introduced to the Senate, Pat Bradley, Lori Coyne, Midge Crider, Judith Griffin, Merri Ellin Huff, Alice Kinsella, Pryia M. Logan, Sherry Moschner and Bethany Nuessen of the Junior League of St. Louis.

Senator Dougherty introduced to the Senate, Tom Mayer, John Rice, Pat Rice, John Johnson, Kevin Ahlbrand, Michael McAteer, Mark Busken and Eric Larson, St. Louis.

Senator Bentley introduced to the Senate, Megan Allen, Webb City.

Senator Westfall introduced to the Senate, students from Humansville School, Humansville.

Senator Dougherty introduced to the Senate, former State Senator, Sheriff Jim Murphy, Ray Harris and Greg Thomas, St. Louis.

Senator Bentley introduced to the Senate, Adam Warren, Meadville; Stephanie Schlue, St. Louis; Susan Donovan, Columbia; and Sarah Weitzel, St. Peters.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SIXTH DAY-THURSDAY, FEBRUARY 21, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1162-Wiggins, et al

SB 1163-Steelman

SB 1164-Coleman, et al

SB 1165-Mathewson, et al

SB 1166-DePasco

SB 1167-Gibbons, et al

SB 1168-Russell

SB 1169-Childers

SB 1170-Childers

SB 1171-House

SB 1172-Yeckel

SB 1173-Yeckel

SB 1174-Steelman

SB 1175-Kennedy

SB 1176-Loudon

SB 1177-Coleman

SB 1178-Kinder and Childers

SB 1179-Caskey and Dougherty

SB 1180-Jacob

SB 1181-Coleman

SB 1182-Singleton

SB 1183-Bentley

SB 1184-Steelman

SB 1185-Kenney

SB 1186-Kenney

SB 1187-Kennedy

SJR 36-Jacob

SJR 37-Klindt

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 &

1559

HCS for HB 1451

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 675-Yeckel, et al,

with SCS

2. SB 881-Steelman and

Yeckel, with SCS

3. SBs 641 & 705-Russell,

et al, with SCS

4. SBs 721, 757, 818 &

930-Westfall, with SCS

5. SB 665-Kenney

6. SB 836-Gross and

Dougherty, with SCS

7. SB 840-Gross and

Russell, with SCS

8. SB 740-Wiggins

9. SB 687-Gibbons and

Yeckel

10. SB 959-Kenney and

Kinder, with SCS

11. SBs 817, 978 & 700-

Gross, with SCS

12. SBs 837, 866, 972 &

990-Cauthorn, with SCS

13. SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS

14. SBs 894, 975 & 927-

Kinder, with SCS

15. SBs 670 & 684-Sims,

with SCS

16. SB 1005-Loudon

HOUSE BILLS ON THIRD READING

HS for HCS for HBs 1037,

1188, 1074 & 1271-Hosmer,

with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)

SB 668-Bentley, with SS &
SA 1 (pending)

SB 895-Yeckel and Gross

SBs 958 & 657-Kinder,
with SCS

SBs 970, 968, 921, 867,
868 & 738-Westfall,
et al, with SCS

SB 1009-Rohrbach, with
SCS & SS for SCS (pending)

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/12

SB 885-Bentley, with SCS

SB 992-Johnson

SB 993-Rohrbach

SB 997-Quick, with SCS

SB 756-Westfall, with SCS

SB 718-House and Steelman

SB 1048-Kenney

SB 918-Klarich, with SCS

SB 831-Loudon and Kennedy

SB 812-Russell

SB 729-Yeckel, with SCS

SB 690-Gross

SB 1001-Mathewson

Reported 2/18

SB 775-House and Loudon

SB 744-Caskey

SB 989-Caskey

SB 1017-Cauthorn

SB 1041-Russell

SB 1014-Klindt and Kinder

SB 961-Wiggins, et al

SB 924-Sims, with SCS

SB 642-Russell, with SCS

Reported 2/19

SB 1011-Caskey

SB 810-Dougherty, with SCS

SB 786-Goode

SB 1015-Foster and

Mathewson, with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SIXTH DAY--THURSDAY, FEBRUARY 21, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"You are the salt of the earth, but if salt has lost its taste, how shall its saltiness be restored? It is no longer good for anything." (Matthew 5:13)

O Lord, our God, we pray that You will keep us near to You and keep our faith strong and vibrant. Keep our actions towards others loving, so that we may be able to serve You through the best and the worst of what is happening in our lives. Watch over our travel this weekend and bring us safely home to those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Gasconade County Republican were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Bland offered Senate Resolution No. 1085, regarding Emanuel Cleaver, II, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1086, regarding the Honorable Kay Barnes, Mayor of Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 1087, regarding Michael Thomas Jones, Blue Springs, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bentley offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 50

WHEREAS, the travel and tourism industry is one of the top job- and revenue-producers in Missouri, accounting for approximately 250,700 working men and women in our state and generating \$12.5 billion in total economic activity; and

WHEREAS, in fiscal year 2001, the marketing and promotion activities of the Division of Tourism used a budget of \$16 million to increase travel in Missouri and revenues to state and local destinations; and

WHEREAS, in conjunction and cooperation with the convention and visitors bureaus and destination markets throughout Missouri, generated tourism sales tax growth over the past 9 years amounting to \$586.3 million, of which amount, \$484.8 million went into General Revenue to fund critical state services to our local governments, our elderly and our children; and

WHEREAS, the current fiscal crisis facing the State of Missouri has required substantial cuts in nearly all departments and divisions of state government; and

WHEREAS, the Division of Tourism budget was reduced by 8% in Fiscal Year 2002 and the proposed Fiscal Year 2003 budget recommends a 30% reduction in the Division's budget; and

WHEREAS, in combination with the after effects of the September 11th terrorist attack and a weakened economy, Missouri's marketing efforts will be crippled, and dire consequences will be felt in the travel and tourism industry and its 250,700 workers and Missouri's tax revenue will further be detrimentally effected if the proposed budget cuts are enacted; and

WHEREAS, the Governor's proposed 30% budget reduction to the Division of Tourism is contrary to the best interest of the state and other critical state services:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Governor to more equitably distribute budget reductions so that our state's ability to produce tax revenues is not crippled; and

BE IT FURTHER RESOLVED that the members of the General Assembly agree to review the Governor's proposed budget cuts to the Division of Tourism in order to ensure the revenue producing responsibilities of the Division remain beneficial to the state of Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1188-By Klindt.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to enticement of a child, with penalty provisions.

SB 1189-By Westfall.

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

THIRD READING OF SENATE BILLS

SB 885, with **SCS**, introduced by Senator Bentley, entitled:

An Act to repeal section 135.207, RSMo, relating to enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 885**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 885

An Act to repeal section 135.207, RSMo, relating to enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **SB 885** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 885** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Stoll--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Mark Graviett and Charles W. Tyler, as members of the Advisory Committee on Lead Poisoning;

Also,

Cheryl E. Grazier, as Executive Director for the Missouri Women's Council;

Also,

LeRoy J. Kraemer, as a member of the State Board of Mediation;

Also,

Bobby J. Blue, as a member of the Unmarked Human Burial Consultation Committee;

Also,

Jacquelyn B. Garrett, as a member of the Drug Utilization Review Board.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 1168--Local Government and Economic Development.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1190--By Schneider.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to continuing care retirement communities, with an emergency clause.

SB 1191--By Jacob.

An Act to amend chapter 8, RSMo, by adding thereto seven new sections relating to board of public buildings bond issuances, with an emergency clause.

THIRD READING OF SENATE BILLS

SB 992, introduced by Senator Johnson, entitled:

An Act to repeal section 447.721, RSMo, relating to lost and unclaimed property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 992** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 993, introduced by Senator Rohrbach, entitled:

An Act to repeal section 321.130, RSMo, relating to residency requirements for fire protection district directors, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 993** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
Absent--Senator Coleman--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 1009**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 1009** was again taken up.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1009, Pages 1-4, Section 375.330, by deleting all of said section; and

Further amend said bill, by amending the titling and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1009, Page 14, Section 375.345.2(4), Line 21, by striking the word "generating" and inserting in lieu thereof the word "generation".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach moved that **SS** for **SCS** for **SB 1009**, as amended, be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SS** for **SCS** for **SB 1009**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1054**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 48**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 895**, as amended, be called from the Informal Calendar, and again taken up for perfection, which motion prevailed.

Senator Schneider offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 895, Page 19, Section 362.335, Line 26, by inserting after all of said line the following:

"364.120. 1. A premium finance company shall not charge, contract for, receive, or collect any interest or discount charge other than as permitted by sections 364.100 to 364.160.

2. The interest or discount is to be computed on the balance of the premiums due, after subtracting the down payment made by the insured in accordance with the premium finance agreement, from the effective date of the insurance contract, for which the premiums are being advanced, to and including the date when the final installment of the premium finance agreement is payable.

3. The interest or discount shall be a maximum of fifteen dollars per one hundred dollars per year, which shall be computed as a fifteen percent add-on interest rate, plus an additional service charge of ten dollars per premium finance agreement which need not be refunded on cancellation or prepayment; except that, if the insurance premiums being financed are for other than personal, family or household purposes, the parties to the premium finance agreement may

agree to any rate of interest which shall be stated in the premium finance agreement. The interest or discount permitted by this subsection anticipates timely repayment in consecutive monthly installments equal in amount for a period of one year. For repayment in greater or lesser periods or in unequal, irregular, or other than monthly installments, the interest or discount may be computed at an equivalent effective rate having due regard for the timely payments of installments.

4. Notwithstanding the provisions of any premium finance agreement, any insured may prepay the obligation in full at any time and shall receive a refund credit[, which shall represent at least as great a proportion of the interest or discount as the sum of the periodic balances, after the month in which prepayment is made, bears to the sum of all periodic balances under the schedule of installments in the agreement; except that, if the initial term of the contract is greater than sixty-one months, the interest earned shall be computed to the date of prepayment on the basis of the rate of interest originally contracted for computed on the actual unpaid principal balances for the time actually outstanding. Where the amount of the refund credit is less than one dollar, no refund need be made]. **The amount of the refund shall be calculated by the actuarial method of calculating refunds and no more interest shall be retained by the lender than is actually earned.**

365.140. Notwithstanding the provisions of any retail installment contract to the contrary any buyer may prepay in full, whether by payment in cash, extension or renewal, at any time before maturity the debt of any retail installment contract and on so paying the debt shall receive a refund credit thereon for the anticipation of payment. The amount of the refund shall [represent at least as great a proportion of the time price differential as the sum of the monthly time balances beginning one month after prepayment is made bears to the sum of all the monthly time balances under the schedule of payment in the contract after deducting from the refund an acquisition cost of fifteen dollars; except that, if the initial term of the contract is greater than sixty-one months, the amount of the time price differential earned shall be computed to the date of prepayment on the basis of the rate originally contracted for on the actual unpaid time balances for the time actually outstanding. Any insurance obviated by reason of prepayment shall be canceled by the holder and any refund of premiums received by the holder shall be treated in accordance with the provisions of subsection 2 of section 365.080. Where the amount of credit is less than one dollar no refund need be made] **be calculated by the actuarial method. The lender shall retain no more interest than is actually earned whenever a retail installment contract is prepaid. Any insurance rendered unnecessary by reason of prepayment shall be canceled by the holder and any refund of premiums received by the holder shall be treated in accordance with the provisions of subsection 2 of section 365.080.**"; and

Further amend said bill, Page 27, Section 375.065, Line 67, by inserting after all of said line the following:

"385.050. 1. Any insurer may revise its schedules of premium rates from time to time and shall file the revised schedules with the director. No insurer shall issue any credit life insurance policy or credit accident and sickness insurance policy for which the premium rate exceeds that determined by the schedules of the insurer as then approved by the director.

2. Each individual policy or group certificate shall provide that in the event of termination of the insurance prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by the debtor for insurance shall be paid or credited promptly to the person entitled thereto; provided, however, that no refund of less than one dollar need be made. The formula to be used in computing the refund shall be the ["sum of the digits" formula with respect to decreasing term credit life insurance and credit accident and sickness insurance, and the pro rata unearned gross premium with respect to level term credit life insurance] **actuarial method of calculating refunds.**

3. If a creditor requires a debtor to make any payment for credit life insurance or credit accident and sickness insurance and an individual policy or group certificate of insurance is not issued, the creditor shall immediately give written notice to the debtor and shall promptly make an appropriate credit to the account.

4. The amount charged to a debtor for any credit life or credit accident and sickness insurance shall not exceed the premiums charged by the insurer, as computed at the time the charge to the debtor is determined.

5. Nothing in sections 385.010 to 385.080 shall be construed to authorize any payments for insurance now prohibited under any statute, or rule thereunder, governing credit transactions.

408.083. Notwithstanding any other provision of law to the contrary, all credit contracts with interest or time price differential calculated on an add-on basis entered into after August [13, 1988, with an initial term greater than sixty-one months] **28, 2002**, the proceeds of which are used for personal, family or household purposes, shall provide that the amount of interest or time price differential earned upon prepayment in full will be computed on the basis of the rate or rate formula originally contracted for on the actual unpaid principal balances for the time actually outstanding.

408.170. [1.] If a note or loan contract providing for amount of interest, added to the principal of the loan is prepaid in full [(by cash, renewal, or refinancing) one month or more before the final installment date, the lender shall either:

- (1) Recompute the amount of interest earned to the date of prepayment in full on the basis of the rate of interest originally contracted for computed on the actual unpaid principal balances for the time actually outstanding; or
- (2) If the initial term of the contract is sixty-one months or less, give a refund of a portion of the amount of interest originally contracted for which shall be computed as follows: The amount of the refund shall be at least as great a proportion of such amount of interest as the sum of the full monthly balances of the contract scheduled to follow the installment date after the date of prepayment in full bears to the sum of all the monthly balances of the contract, both sums to be determined according to the payment schedule provided by the contract; except that, if prepayment in full occurs during the first installment period, interest shall be recomputed and charged only for the actual number of days elapsed. When the period before the first installment is more or less than one month, the portion of the interest earned for such period shall be determined by counting each day in such period as one-thirtieth of a month and one three hundred and sixtieth of a year.

2. No refund shall be required for any partial prepayment.

3. The word "refund" as used herein shall mean a credit or deduction from the amount of interest originally contracted for] **at any time by cash, renewal or refinancing, the buyer shall receive a refund which shall be calculated by the actuarial method. The lender shall retain no more interest than is actually earned whenever a note or loan contract is prepaid.**

408.320. Notwithstanding the provisions of any retail time contract to the contrary, any buyer may prepay in full at any time before maturity the debt of any retail time contract and on so paying such debt shall receive a refund credit thereof for such anticipation of payments. The amount of such refund shall [represent at least as great a proportion of the time charge as the sum of the monthly time balances, beginning one month after prepayment is made, bears to the sum of all the monthly time balances under the schedule of payments in the contract after deducting from such refund an acquisition cost of twelve dollars; except that, if the initial term of the contract is greater than sixty-one months, the amount of time charge earned shall be computed to the date of prepayment on the basis of the rate originally contracted for computed on the actual unpaid time balances for the time actually outstanding. Any insurance obviated by reason of prepayment shall be canceled by the holder and any refund of premiums received by the holder shall be treated in accordance with the provisions of subsection 5 of section 408.280. Where the amount of credit is less than one dollar no refund need be made] **be calculated by the actuarial method. The lender shall retain no more interest than is actually earned whenever a retail time contract is prepaid.**"; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Gross, Jacob, Kennedy and Wiggins.

SA 5 was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Coleman	DePasco
Dougherty	Goode	House	Jacob
Kennedy	Kenney	Quick	Rohrbach
Russell	Schneider	Staples	Steelman

Stoll	Wiggins--18		
	NAYS--Senators		
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Klarich	Klindt
Loudon	Mathewson	Sims	Singleton
Westfall	Yeckel--14		
	Absent--Senator Johnson--1		
	Absent with leave--Senator Kinder--1		

At the request of Senator Yeckel, **SB 895**, as amended, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1014**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 924**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 810**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1425**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to nonpublic personal health information.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1634**, entitled:

An Act to repeal sections 141.770 and 141.790, RSMo, and to enact in lieu thereof two new sections relating to land trust expenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2** for **SB 650**, entitled:

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for sexual offenses, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, Karine Avetisyan, Armenia; Yulia Matreninskaya, Russia; Anvar Samadzoda, Tajikistan; Caren Balser, Alexander Barsch, Laura Beiss, Felix Greunke and Nicole Koehn, Germany; Kristina Komonova and Michael Sajda, Czech Republic; Melchor Rodriguez, Mexico; Eric and Angela Turner, and their children, Seanacie, Savannah and Kelton, Chillicothe; Pepper Walby, Hale; and Cindy and Randy Fullerton, Preston; and Karine, Yulia and Anvar were made honorary pages.

Senator Singleton introduced to the Senate, fourth grade students from Benton Elementary School, Neosho; and Mark Lievans, Brook

Buttram, Jake Middleton and Ashley Wilson were made honorary pages.

On behalf of Senator Klarich, the President introduced to the Senate, the Physician of the Day, Dr. Gregory K. Terpstra, D.O., Potosi.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 25, 2002.

SENATE CALENDAR

TWENTY-SEVENTH DAY-MONDAY, FEBRUARY 25, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1162-Wiggins, et al

SB 1163-Steelman

SB 1164-Coleman, et al

SB 1165-Mathewson, et al

SB 1166-DePasco

SB 1167-Gibbons, et al

SB 1169-Childers

SB 1170-Childers

SB 1171-House

SB 1172-Yeckel

SB 1173-Yeckel

SB 1174-Steelman

SB 1175-Kennedy

SB 1176-Loudon

SB 1177-Coleman

SB 1178-Kinder and Childers

SB 1179-Caskey and Dougherty

SB 1180-Jacob

SB 1181-Coleman

SB 1182-Singleton

SB 1183-Bentley

SB 1184-Steelman

SB 1185-Kenney

SB 1186-Kenney

SB 1187-Kennedy

SB 1188-Klindt

SB 1189-Westfall

SB 1190-Schneider

SB 1191-Jacob

SJR 36-Jacob

SJR 37-Klindt

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

THIRD READING OF SENATE BILLS

SCS for SB 722- Bentley

SB 856-Russell

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 675-Yeckel, et al,
with SCS
2. SB 881-Steelman and
Yeckel, with SCS
3. SBs 641 & 705-Russell,
et al, with SCS
4. SBs 721, 757, 818 &
930-Westfall, with SCS
5. SB 665-Kenney
6. SB 836-Gross and
Dougherty, with SCS
7. SB 840-Gross and
Russell, with SCS
8. SB 740-Wiggins
9. SB 687-Gibbons and Yeckel
10. SB 959-Kenney and
Kinder, with SCS
11. SBs 817, 978 & 700-
Gross, with SCS
12. SBs 837, 866, 972 &
990-Cauthorn, with SCS

13. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
14. SBs 894, 975 & 927-
Kinder, with SCS
15. SBs 670 & 684-Sims,
with SCS
16. SB 1005-Loudon

HOUSE BILLS ON THIRD READING

HS for HCS for HBs 1037,
1188, 1074 & 1271-Monaco
& Hosmer, with SCS (Klarich)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 895-Yeckel and Gross

SBs 958 & 657-Kinder,

with SCS

SBs 970, 968, 921, 867,

868 & 738-Westfall,

et al, with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/12

SB 997-Quick, with SCS

SB 756-Westfall, with SCS

SB 718-House and Steelman

SB 1048-Kenney

SB 918-Klarich, with SCS

SB 831-Loudon and Kennedy

SB 812-Russell

SB 729-Yeckel, with SCS

SB 690-Gross

SB 1001-Mathewson

Reported 2/18

SB 775-House and Loudon

SB 744-Caskey

SB 989-Caskey

SB 1017-Cauthorn

SB 1041-Russell

SB 961-Wiggins, et al

SB 642-Russell, with SCS

Reported 2/19

SB 1011-Caskey

SB 786-Goode

SB 1015-Foster and

Mathewson, with SCS

SS#2 for SB 650-Singleton,
with HCS

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1028-Schneider

To be Referred

SCR 50-Bentley

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

SR 1054-Singleton

SCR 48-Sims, et al

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SEVENTH DAY--MONDAY, FEBRUARY 25, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"I do not see why there is not greater enthusiasm for planning, except perhaps for this reason: that the word planning does not signify anything very spectacular about it and it takes a good many years to see results from it." (Franklin D. Roosevelt, April 24, 1934)

Gracious Lord, let us be mindful and thankful for the time You have given us to plan and make good use of this week here which we begin anew today. Help us to organize our activities so all the really important things, from the smallest details to the people we encounter each day, are not overlooked and we fully utilize our time for the greatest good. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 21, 2002, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Johnson	Staples--2		

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1088, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herbert Kramer, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1089, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Weigel, Blue Springs, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1090, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Schutte, Benton City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1091, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Aubrey Suter, Wyaconda, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1092, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Harris, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1093, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward P. Ausmus, Bevier, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1094, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Anders, Unionville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1095, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford (Lavern) Anders, Livonia, which was adopted.

Senator Kenney offered Senate Resolution No. 1096, regarding Scott Lograsso, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1097, regarding Betty Parks Eubank, Lee's Summit, which was adopted.

Senator DePasco offered Senate Resolution No. 1098, regarding James B. Nutter, Kansas City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1099, regarding the Forty-seventh Wedding Anniversary of Mr. and Mrs. George Wagner, Luray, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1100, regarding the Forty-sixth Wedding Anniversary of Mr. and Mrs. Raymond Mathies, Kahoka, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1101, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Howard Jaynes, New London, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1102, regarding the One Hundred Second Birthday of Gertie Pickens, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1103, regarding the Sixty-ninth Wedding Anniversary of Mr. and Mrs. Russell Martin, Mexico, which was adopted.

Senator Westfall offered Senate Resolution No. 1104, regarding Brett McCulloch, Lamar, which was adopted.

Senators Klindt and Westfall offered Senate Resolution No. 1105, regarding Edward D. Douglas, Chillicothe, which was adopted.

Senator Kinder offered Senate Resolution No. 1106, regarding Hospice Volunteer Recognition Day 2002, which was adopted.

Senator Klarich offered Senate Resolution No. 1107, regarding the Parkway School District, St. Louis County, which was adopted.

Senator Klarich offered Senate Resolution No. 1108, regarding the Rockwood School District, St. Louis County, which was adopted.

Senator Caskey offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

WHEREAS, we, the members of the Missouri Senate, regard early intervention literacy programs as essential in meeting the needs of our state's young children; and

WHEREAS, Reading Recovery and early literacy programs provide children who potentially may become poor readers the vital assistance needed to become successful readers; and

WHEREAS, the Reading First Program is one of the new funding sources in the Elementary and Secondary Education Act (ESEA) passed by the U.S. Congress in December of 2001; and

WHEREAS, the U.S. Department of Education is responsible for administering the Reading First Program and recently issued "Reading First Draft Guidance 2/1/02" for implementation of the Program; and

WHEREAS, the Elementary and Secondary Education Act (ESEA) authorizes Reading First funds for instruction in both classroom and nonclassroom settings, the draft guidelines limit funding to classroom use only; and

WHEREAS, the Elementary and Secondary Education Act (ESEA) does not mandate a format base on time for providing reading instruction, the draft guidelines provide for uninterrupted 90-minute instruction periods per day; and

WHEREAS, the Elementary and Secondary Education Act (ESEA) permits states to use funding for professional development in early intervention, the draft guidelines removes professional development as eligible use of Reading First funds; and

WHEREAS, the proposed draft guidelines jeopardize use of Reading First Funds for early intervention of low achieving readers and potentially undermines state and local school decisions about early intervention reading programs:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, Second Regular Session, recognize the significance of early intervention for young struggling readers and urge Congress to instruct the Department of Education to fully fund literacy programs as provided by "Reading First" legislation; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for every member of the Missouri Congressional Delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 1192-By Gross.

An Act to repeal section 452.402, RSMo, relating to grandparent visitation, and to enact in lieu thereof one new section relating to the same subject.

SB 1193-By Caskey.

An Act to repeal section 56.814, RSMo, relating to district attorneys, and to enact in lieu thereof seven new sections relating to the same subject.

SB 1194-By Klarich.

An Act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

SB 1195-By Steelman, Foster and Cauthorn.

An Act to repeal sections 50.550, 558.019 and 559.021, RSMo, relating to county crime reduction funds, and to enact in lieu thereof four new sections relating to the same subject.

SB 1196-By Kennedy.

An Act to repeal sections 137.298 and 302.341, RSMo, and to enact in lieu thereof three new sections relating to the

regulation of traffic violations.

SB 1197-By Gibbons.

An Act to repeal section 491.010, RSMo, relating to witnesses, and to enact in lieu thereof one new section relating to the same subject.

SB 1198-By Gibbons.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions for diabetic medical supplies and equipment.

SB 1199-By Foster.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Sergeant Randy Sullivan Memorial Highway.

SB 1200-By Foster.

An Act to repeal section 226.030, RSMo, relating to the powers and duties of the state transportation commission, and to enact in lieu thereof one new section relating to the same subject.

SB 1201-By Foster.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to genetically enhanced seed, with an effective date.

SB 1202-By Westfall.

An Act to transfer sections 142.617, 142.830, 260.278, 260.385, 301.041, 301.265, 301.266, 301.267, 301.271, 301.275, 301.277, 304.200, 324.703, 324.706, 324.709, 324.712, 324.715, 324.718, 324.721, 324.724, 324.727, 324.730, 324.733, 324.736, 324.739, 324.742, 324.745, 387.010, 387.030, 387.040, 387.050, 387.060, 387.070, 387.080, 387.100, 387.110, 387.120, 387.130, 387.150, 387.180, 387.190, 387.200, 387.205, 387.207, 387.210, 387.300, 387.310, 387.320, 390.011, 390.020, 390.030, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063, 390.066, 390.071, 390.081, 390.101, 390.111, 390.116, 390.121, 390.126, 390.128, 390.136, 390.138, 390.141, 390.150, 390.151, 390.156, 390.171, 390.201, 390.260, 390.270, 390.280, 390.290, 390.300, 390.310, 390.320, 390.330, 622.015, 622.027, 622.030, 622.035, 622.090, 622.095, 622.100, 622.110, 622.115, 622.120, 622.130, 622.140, 622.150, 622.160, 622.170, 622.190, 622.200, 622.210, 622.220, 622.230, 622.240, 622.250, 622.260, 622.290, 622.300, 622.310, 622.320, 622.330, 622.340, 622.350, 622.360, 622.370, 622.380, 622.390, 622.400, 622.410, 622.420, 622.450, 622.460, 622.470, 622.480, 622.490, 622.500, 622.520, 622.530, 622.540, 622.615 and 622.617, RSMo, and to repeal sections 32.028, 144.030, 260.203, 260.270, 260.370, 260.375, 260.380, 260.390, 260.395, 260.420, 260.425, 260.430, 301.030, 301.057, 301.058, 301.059, 301.067, 301.090, 301.121, 301.130, 301.273, 301.279, 301.442, 302.756, 303.026, 303.350, 304.030, 304.170, 304.180, 304.230, 304.235, 304.240, 307.350, 311.390, 311.400, 311.420, 311.440, 311.450, 324.700, 386.020, 387.020, 387.240, 387.270, 387.280, 387.290, 387.340, 389.005, 389.300, 389.310, 389.610, 389.612, 389.614, 389.615, 389.780, 389.795, 389.810, 389.890, 389.895, 389.900, 389.920, 389.945, 389.991, 389.992, 389.993, 389.997, 389.998, 389.1005, 389.1010, 390.106, 390.146, 390.161, 390.176, 390.250, 390.340, 390.350, 391.070, 447.080, 621.015, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 622.430, 622.440, 622.510, 622.550, 622.600, 622.602, 622.604, 622.606, 622.608, 622.610, 622.612, 622.618 and 622.620, RSMo, section 622.010 as enacted in house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted in house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof two hundred thirty-seven new sections relating to compliance with the directives of executive order number 02-03, signed by the governor February 7, 2002, with penalty provisions and an emergency clause.

SB 1203-By Yeckel.

An Act to repeal sections 137.100, 144.030 and 144.615, RSMo, relating to various tax exemptions, and to enact in lieu thereof three new sections relating to the same subject.

SB 1204-By Yeckel.

An Act to repeal sections 383.150, 383.155, 383.160, 383.170, 383.175, 383.180, 383.185 and 383.195, RSMo, relating to medical malpractice insurance, and to enact in lieu thereof nine new sections relating to the same subject.

SB 1205-By Yeckel.

An Act to amend chapter 620, RSMo, by adding thereto seven new sections relating to small businesses.

SB 1206-By Bentley and Stoll.

An Act to repeal section 162.081, RSMo, relating to the lapse of provisionally accredited and unaccredited school districts, and to enact in lieu thereof one new section relating to the same subject.

SB 1207-By Bentley.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to licensing requirements.

SB 1208-By Dougherty.

An Act to repeal section 227.020, RSMo, and to enact in lieu thereof one new section relating to the state highways and road system.

SB 1209-By Goode and Sims.

An Act to repeal sections 386.120, 386.130 and 386.210, RSMo, relating to the public service commission, and to enact in lieu thereof three new sections relating to the same subject.

SJR 38-By Cauthorn and Steelman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 43(a) of article IV of the Constitution of Missouri relating to the conservation sales tax, and adopting one new section in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 997, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal section 140.110, RSMo, relating to payment of certain taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 997**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 997

An Act to repeal section 140.110, RSMo, and to enact in lieu thereof one new section relating to collection of back taxes.

Was taken up.

Senator Quick moved that **SCS** for **SB 997** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 997** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Bland	Johnson	Staples--3	

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 756, with **SCS**, introduced by Senator Westfall, entitled:

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school absences for participation in the Missouri state fair.

Was called from the Consent Calendar and taken up.

SCS for **SB 756**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 756

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school absences for participation in the Missouri state fair.

Was taken up.

Senator Westfall moved that **SCS** for **SB 756** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 756** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Johnson	Staples--2		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 718, introduced by Senators House and Steelman, entitled:

An Act to repeal section 171.021, RSMo, relating to reciting the Pledge of Allegiance in public schools, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **SB 718** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Goode	Quick--2		
	Absent with leave--Senators		
Johnson	Staples--2		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1048, introduced by Senator Kenney, entitled:

An Act to repeal section 304.027, RSMo, and to enact in lieu thereof one new section relating to the spinal cord injury fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Kenney, **SB 1048** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Johnson	Staples--2		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Singleton moved that the Senate refuse to concur in **HCS** for **SS No. 2** for **SB 650** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 895**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Goode offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 895, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"30.260. 1. The state treasurer shall prepare, maintain, and adhere to a written investment policy which shall include an asset allocation plan which limits the total amount of state moneys which may be invested in any particular investment authorized by section 15, article IV of the Missouri Constitution. The state treasurer shall present a copy of such policy to the governor, commissioner of administration, state auditor, and general assembly at the commencement of each regular session of the general assembly or at any time the written investment policy is amended.

2. The state treasurer shall determine by the exercise of the treasurer's best judgment the amount of state moneys that are not needed for current operating expenses of the state government, and shall keep on demand deposit in banking institutions in this state selected by the treasurer and approved by the governor and state auditor the amount of state

moneys which the treasurer has so determined are needed for current operating expenses of the state government and disburse the same as authorized by law.

3. Within the parameters of the state treasurer's written investment policy, the state treasurer shall place the state moneys which the treasurer has determined are not needed for current operations of the state government on time deposit drawing interest in banking institutions in this state selected by the treasurer and approved by the governor and the state auditor, or place them outright or, if applicable, by repurchase agreement in obligations described in section 15, article IV, Constitution of Missouri, as the treasurer in the exercise of the treasurer's best judgment determines to be in the best overall interest of the people of the state of Missouri, giving due consideration to:

(1) The preservation of such state moneys;

(2) The liquidity needs of the state;

(3) The comparative yield to be derived therefrom;

(4) The effect upon the economy and welfare of the people of Missouri of the removal or withholding from banking institutions in the state of all or some such state moneys and investing same in obligations authorized in section 15, article IV of the Missouri Constitution; and

(5) All other factors which to the treasurer as a prudent state treasurer seem to be relevant to the general public welfare in the light of the circumstances at the time prevailing. The state treasurer may also place state moneys which are determined not needed for current operations of the state government in linked deposits as provided in sections 30.750 to 30.767.

4. Except for state moneys deposited in linked deposits as provided in sections 30.750 to 30.767, the rate of interest payable by all banking institutions on time deposits of state moneys shall be **at least** the same as the average rate paid during the week next preceding the week in which the deposit was made for United States of America treasury securities maturing and becoming payable closest to the time of termination of the deposit, as determined by the state treasurer, adjusted to the nearest one-tenth of a percent; except that the rate shall never exceed the maximum rate of interest which by federal law or regulation a bank which is a member of the Federal Reserve System may from time to time pay on a time deposit of the same size and maturity.

5. Within the parameters of the state treasurer's written investment policy, the state treasurer may subscribe for or purchase outright, or [by] **through** repurchase agreement, **local government investment pool or money market mutual fund as defined and regulated in Rule 2a-7 of the Securities and Exchange Commission**, make investments of the character described in subsection 3 of this section which the treasurer, in the exercise of the treasurer's best judgment, believes to be the best for investment of state moneys at the time and in payment therefor may withdraw moneys from any bank account, demand or time, maintained by the treasurer without having any supporting warrant of the commissioner of administration. The state treasurer may bid on subscriptions for such obligations in accordance with the treasurer's best judgment. The state treasurer shall provide for the safekeeping of all such obligations so acquired in the same manner that securities pledged to secure the repayment of state moneys deposited in banking institutions are kept by the treasurer pursuant to law. The state treasurer may hold any such obligation so acquired by the treasurer until its maturity or prior thereto may sell the same outright or by reverse repurchase agreement provided the state's security interest in the underlying security is perfected or temporarily exchange such obligation for **cash or** other authorized securities of at least equal market value with no maturity more than one year beyond the maturity of any of the traded obligations, for a negotiated fee as the treasurer, in the exercise of the treasurer's best judgment, deems necessary or advisable for the best interest of the people of the state of Missouri in the light of the circumstances at the time prevailing. The state treasurer may pay all costs and expenses reasonably incurred by the treasurer in connection with the subscription, purchase, sale, collection, safekeeping, or delivery of all such obligations at any time acquired by the treasurer.

6. As used in this chapter, except as more particularly specified in section 30.270, obligations of the United States shall include securities of the United States Treasury, and United States agencies or instrumentalities as described in section 15, article IV, Constitution of Missouri. The word "temporarily" as used in this section shall mean no more than six

months."; and

Further amend said bill, page 3, Section 30.270, Line 70 by inserting immediately after said line the following:

"30.951. 1. There is hereby created a "Local Government Investment Pool", consisting of the aggregate of all funds from local officials handling public funds that are placed in the custody of the state treasurer pursuant to this section and sections 30.260, 30.270, and 30.952, for investment and reinvestment as provided in this section. As used in this section, the following terms mean:

(1) "Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;

(2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;

(3) "Political subdivision", counties, townships, cities, towns, villages, schools, county libraries, city libraries, city-county libraries, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, and any board of control of an art museum, and any other public subdivision or public corporation having the power to tax.

2. Notwithstanding any other provision of law to the contrary, the governing body, or any person designated by the governing body of any municipality or political subdivision of this state having authority to receive, hold, and expend public moneys or funds, may invest and reinvest in accordance with this section any moneys, including proceeds of bonds, notes or other indebtedness, which are not immediately required for the purposes for which the moneys were collected or received.

3. The state treasurer may administer the local government investment pool on behalf of the participating local officials. The treasurer may promulgate such rules and regulations as the treasurer deems necessary for the efficient administration of the pool, including specification of minimum investment amounts and minimum investment periods. The rules may provide for the administration expenses of the pool to be paid from its earning and for the interest earnings in excess of such expenses to be credited or paid to the participants in the pool in a manner which equitably reflects the differing amounts of their respective investments and the differing periods of time for which such amounts were in the pool. The state treasurer may contract with financial institutions and other service providers in furtherance of the purposes of this section.

4. The local government investment pool may invest funds, either directly, or through repurchase agreements or through money market mutual funds as defined and regulated in Rule 2a-7 of the Securities and Exchange Commission, solely in the obligations authorized in section 15, article IV of the Missouri Constitution.

5. The state treasurer shall ensure all funds in the local government investment pool are invested with the same degree of judgment and care, under circumstances then prevailing, used in the investment of state funds.

6. A separate account for each participant in the fund shall be kept to record individual transactions and totals of all investments belonging to each participant. A monthly report showing the changes in investments made during the preceding month shall be furnished to each participant in the local government investment pool.

7. The principal and accrued income, and any part thereof, of each and every account maintained for a participant in the local government investment pool shall be subject to payment at any time from the pool upon request, subject to applicable regulations and guidelines. Accumulated income shall be remitted or credited to each participant at least quarterly.

8. The state treasurer may appoint an advisory board to assist in the marketing and administration of the local government investment pool. At least seventy-five percent of the advisory board shall be comprised of participants in the investment pool.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

30.952. Notwithstanding any other provision of law to the contrary, any municipality or political subdivision of this state, as defined in section 30.951, may invest in money market mutual funds, as defined and regulated in Rule 2a-7 of the Securities and Exchange Commission, that invest solely in securities in which the state treasurer is authorized to invest."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of SA 6 and was joined in his request by Senators Childers, Kennedy, Wiggins and Yeckel.

SA 6 failed of adoption by the following vote:

YEAS--Senators			
Bland	DePasco	Dougherty	Goode
House	Jacob	Kenney	Rohrbach
Schneider	Singleton	Stoll	Wiggins--12
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Gross
Kennedy	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Sims	Steelman	Westfall	Yeckel--20
Absent--Senators--None			
Absent with leave--Senators			
Johnson	Staples--2		

At the request of Senator Yeckel, SB 895, as amended, was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred SCR 50 to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri

February 21, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Andrea D. Walton, 3778 Greenmoor Gardens Court, St. Louis, St. Louis County, Missouri 63034, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2004, and until her successor is duly appointed and qualified; vice, Henri Goettel, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christopher A. Gordon, 804 South Second Street, Clinton, Henry County, Missouri 64735, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2002, and until his successor is duly appointed and qualified; vice, Julie March, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul G. Klute, 33255 170th Street, Westboro, Atchison County, Missouri 64498, as a student representative of the Board of Regents for Northwest Missouri State University, for a term ending May 1, 2003, and until his successor is duly appointed and qualified; vice, Matthew A. Hackett, term

expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Koch, 594 Old Sycamore Bend Road, Old Monroe, Lincoln County, Missouri 63369, as a student representative of the Board of Regents for Linn State Technical College, for a term ending May 1, 2003, and until his successor is duly appointed and qualified; vice, Amy M. Reinsch, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Alise Martiny-Byrd, 314 North Spring, Independence, Jackson County, Missouri 64050, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William C. Wilson, 1423 Woodlawn Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the State Committee for Professional Counselors, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Kinder submitted the following committee schedule:

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1009**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 714**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 1024**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 976**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 967**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Trans-portion, to which was referred **SB 950**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 960**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 966**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 916**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1094**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 834**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 941**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 1071**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 741**, **SB 929** and **SB 871**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which were referred **SB 1061** and **SB 1062**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Housing, to which were referred **SB 843** and **SB 658**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 647**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 969**, **SB 673** and **SB 855**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1059**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1052**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 884**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which were referred **SB 984** and **SB 985**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1046**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 1103**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 915**, **SB 710** and **SB 907**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 923**, **SB 828**, **SB 876**, **SB 694** and **SB 736**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 676**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 900**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1110, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William Louis Jolly Dee, Warrensburg, which was adopted.

Senator Gross offered Senate Resolution No. 1111, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Maurice Beam, St. Peters, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Ron Taylor, Raytown.

Senator Kenney introduced to the Senate, his daughter, Lizzy, Lee's Summit; and Lizzy was made an honorary page.

Senator Steelman introduced to the Senate, Gene Gaddy, Rolla.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-EIGHTH DAY-TUESDAY, FEBRUARY 26, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1162-Wiggins, et al

SB 1163-Steelman

SB 1164-Coleman, et al

SB 1165-Mathewson, et al

SB 1166-DePasco

SB 1167-Gibbons, et al

SB 1169-Childers

SB 1170-Childers

SB 1171-House

SB 1172-Yeckel

SB 1173-Yeckel

SB 1174-Steelman

SB 1175-Kennedy

SB 1176-Loudon

SB 1177-Coleman

SB 1178-Kinder, et al

SB 1179-Caskey and Dougherty

SB 1180-Jacob

SB 1181-Coleman

SB 1182-Singleton

SB 1183-Bentley

SB 1184-Steelman

SB 1185-Kenney

SB 1186-Kenney

SB 1187-Kennedy

SB 1188-Klindt

SB 1189-Westfall

SB 1190-Schneider

SB 1191-Jacob

SB 1192-Gross

SB 1193-Caskey

SB 1194-Klarich

SB 1195-Steelman, et al

SB 1196-Kennedy

SB 1197-Gibbons

SB 1198-Gibbons

SB 1199-Foster

SB 1200-Foster

SB 1201-Foster

SB 1202-Westfall

SB 1203-Yeckel

SB 1204-Yeckel

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SB 1207-Bentley

SB 1208-Dougherty

SB 1209-Goode and Sims

SJR 36-Jacob

SJR 37-Klindt

SJR 38-Cauthorn and Steelman

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SENATE BILLS FOR PERFECTION

1. SB 675-Yeckel, et al, with SCS

2. SB 881-Steelman and

Yeckel, with SCS

3. SBs 641 & 705-Russell,

et al, with SCS

4. SBs 721, 757, 818 &

930-Westfall, with SCS

5. SB 665-Kenney

6. SB 836-Gross and

Dougherty, with SCS

7. SB 840-Gross and

Russell, with SCS

8. SB 740-Wiggins

9. SB 687-Gibbons and Yeckel

10. SB 959-Kenney and

Kinder, with SCS

11. SBs 817, 978 & 700-

Gross, with SCS

12. SBs 837, 866, 972 &

990-Cauthorn, with SCS

13. SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,
et al, with SCS

14. SBs 894, 975 & 927-
Kinder, with SCS

15. SBs 670 & 684-Sims,
with SCS

16. SB 1005-Loudon

17. SBs 741, 929 & 871-
Wiggins, with SCS

18. SBs 1061 & 1062-Rohrbach
and Kenney, with SCS

19. SBs 843 & 658-Stoll,
with SCS

20. SB 647-Goode, with SCS

21. SBs 969, 673 & 855-
Westfall and Bentley,
with SCS

22. SB 1059-Bentley, et al,
with SCS

23. SB 1052-Sims, with SCS

24. SB 884-DePasco and
Kenney, with SCS

25. SBs 984 & 985-
Steelman, with SCS

26. SB 1046-Gross and
House, with SCS

27. SB 1103-Westfall, et al

28. SBs 915, 710 & 907-
Westfall, et al, with SCS

29. SBs 923, 828, 876, 694

& 736-Sims, with SCS

30. SB 676-Yeckel, et al, with SCS

31. SB 900-Goode, et al, with SCS

HOUSE BILLS ON THIRD READING

HS for HCS for HBs 1037,

1188, 1074 & 1271-Monaco &

Hosmer, with SCS (Klarich)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 895-Yeckel and Gross

SBs 958 & 657-Kinder,

with SCS

SBs 970, 968, 921, 867,

868 & 738-Westfall, et al,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/12

SB 918-Klarich, with SCS

SB 831-Loudon and Kennedy

SB 812-Russell

SB 729-Yeckel, with SCS

SB 690-Gross

SB 1001-Mathewson

Reported 2/18

SB 775-House and Loudon

SB 744-Caskey

SB 989-Caskey

SB 1017-Cauthorn

SB 1041-Russell

SB 961-Wiggins, et al

SB 642-Russell, with SCS

Reported 2/19

SB 1011-Caskey

SB 786-Goode

SB 1015-Foster and

Mathewson, with SCS

Reported 2/25

SB 714-Singleton

SB 1024-Bentley, with SCS

SB 976-Steelman, et al

SB 967-Kennedy, et al,

with SCS

SB 950-Gibbons and Klarich

SB 960-Kenney, et al, with SCS

SB 966-Kennedy, with SCS

SB 916-Dougherty, et al,

with SCS

SB 1094-Russell

SB 834-Sims, with SCS

SB 941-DePasco

SB 1071-Klindt, with SCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

SS#2 for SB 650-Singleton,

with HCS

(Senate requests House

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

SR 1054-Singleton

SCR 48-Sims, et al

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-EIGHTH DAY--TUESDAY, FEBRUARY 26, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Curiosity is one of the permanent and certain characteristics of a vigorous mind." (Samuel Johnson, March 12, 1751)

Gracious God, we are grateful that You have instilled in us a sense of curiosity, which allows us to appreciate the cosmos You have created and the ability to understand it and do those things that can foster harmony among our citizens, and manage the various human forces within it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator Staples--1			
The Lieutenant Governor was present.			

Senator Klarich requested unanimous consent of the Senate to strike **SCR 38** from the Resolutions calendar, which request was granted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1210-By Johnson.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for the promotion of tourism.

SB 1211-By Coleman.

An Act to repeal section 488.610, RSMo, and to enact in lieu thereof one new section relating to court costs.

CONCURRENT RESOLUTIONS

Senator Stoll moved that **SCR 35** be taken up for adoption, which motion prevailed.

On motion of Senator Stoll, **SCR 35** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senators			
Johnson	Staples--2		

THIRD READING OF SENATE BILLS

SB 918, with **SCS**, introduced by Senator Klarich, entitled:

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to the display of the United States flag.

Was called from the Consent Calendar and taken up.

SCS for **SB 918**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 918

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to the display of the United States flag.

Was taken up.

Senator Klarich moved that **SCS** for **SB 918** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **SB 918** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Schneider--1		
	Absent--Senator Coleman--1		
	Absent with leave--Senators		
Johnson	Staples--2		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 831, introduced by Senators Loudon and Kennedy, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to public holidays.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **SB 831** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Johnson	Staples--2		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 812, introduced by Senator Russell, entitled:

An Act to repeal section 536.035, RSMo, relating to the publication of executive orders in the Missouri Register, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 812** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Johnson	Staples--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 895**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Schneider offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Bill No. 895, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"30.260. 1. The state treasurer shall prepare, maintain and adhere to a written investment policy which shall include an asset allocation plan which limits the total amount of state moneys which may be invested in any particular investment authorized by section 15, article IV of the Missouri Constitution. The state treasurer shall present a copy of such policy to the governor, commissioner of administration, state auditor and general assembly at the commencement of each regular session of the general assembly or at any time the written investment policy is amended.

2. The state treasurer shall determine by the exercise of the treasurer's best judgment the amount of state moneys that are not needed for current operating expenses of the state government and shall keep on demand deposit in banking institutions in this state selected by the treasurer and approved by the governor and state auditor the amount of state moneys which the treasurer has so determined are needed for current operating expenses of the state government and disburse the same as authorized by law.

3. Within the parameters of the state treasurer's written investment policy, the state treasurer shall place the state moneys which the treasurer has determined are not needed for current operations of the state government on time deposit drawing interest in banking institutions in this state selected by the treasurer and approved by the governor and the state auditor, or place them outright or, if applicable, by repurchase agreement in obligations described in section 15, article IV, Constitution of Missouri, as the treasurer in the exercise of the treasurer's best judgment determines to be in the best overall interest of the people of the state of Missouri, giving due consideration to:

- (1) The preservation of such state moneys;
- (2) The liquidity needs of the state;
- (3) The comparative yield to be derived therefrom;
- (4) The effect upon the economy and welfare of the people of Missouri of the removal or withholding from banking institutions in the state of all or some such state moneys and investing same in obligations authorized in section 15, article IV of the Missouri Constitution; and
- (5) All other factors which to the treasurer as a prudent state treasurer seem to be relevant to the general public welfare in the light of the circumstances at the time prevailing. The state treasurer may also place state moneys which are determined not needed for current operations of the state government in linked deposits as provided in sections 30.750 to 30.767.

4. Except for state moneys deposited in linked deposits as provided in sections 30.750 to 30.767, the rate of interest payable by all banking institutions on time deposits of state moneys shall be **at least** the same as the average rate paid during the week next preceding the week in which the deposit was made for United States of America treasury securities maturing and becoming payable closest to the time of termination of the deposit, as determined by the state treasurer, adjusted to the nearest one-tenth of a percent; except that the rate shall never exceed the maximum rate of interest which by federal law or regulation a bank which is a member of the Federal Reserve System may from time to time pay on a time deposit of the same size and maturity.

5. Within the parameters of the state treasurer's written investment policy, the state treasurer may subscribe for or purchase outright, or [by] **through** repurchase agreement, **or money market mutual fund as defined and regulated in Rule 2a-7 of the Securities and Exchange Commission, make** investments of the character described in subsection 3 of this section which the treasurer, in the exercise of the treasurer's best judgment, believes to be the best for investment of state moneys at the time and in payment therefor may withdraw moneys from any bank account, demand or time, maintained by the treasurer without having any supporting warrant of the commissioner of administration. The state treasurer may bid on subscriptions for such obligations in accordance with the treasurer's best judgment. The state treasurer shall provide for the safekeeping of all such obligations so acquired in the same manner that securities pledged to secure the repayment of state moneys deposited in banking institutions are kept by the treasurer pursuant to law. The state treasurer may hold any such obligation so acquired by the treasurer until its maturity or prior thereto may sell the same outright or by reverse repurchase agreement provided the state's security interest in the underlying security is perfected or temporarily exchange such obligation for **cash or** other authorized securities of at least equal market value with no maturity more than one year beyond the maturity of any of the traded obligations, for a negotiated fee as the treasurer, in the exercise of the treasurer's best judgment, deems necessary or advisable for the best interest of the people of the state of Missouri in the light of the circumstances at the time prevailing. The state treasurer may pay all costs and expenses reasonably incurred by the treasurer in connection with the subscription, purchase, sale, collection, safekeeping or delivery of all such obligations at any time acquired by the treasurer.

6. As used in this chapter, except as more particularly specified in section 30.270, obligations of the United States shall include securities of the United States Treasury, and United States agencies or instrumentalities as described in section 15, article IV, Constitution of Missouri. The word "temporarily" as used in this section shall mean no more than six months."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Kenney, Westfall and Yeckel.

Senator Rohrbach assumed the Chair.

SA 7 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Coleman	DePasco	Dougherty
Goode	House	Jacob	Rohrbach
Schneider	Singleton	Wiggins--11	
	NAYS--Senators		
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Russell	Sims	Steelman
Stoll	Westfall	Yeckel--19	
	Absent--Senators		
Loudon	Quick--2		
	Absent with leave--Senators		
Johnson	Staples--2		

Senator Schneider offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Bill No. 895, Page 3, Section 30.270, Line 70, by inserting immediately after said line the following:

"30.951. 1. There is hereby created a "Local Government Investment Pool", consisting of the aggregate of all funds from local officials handling public funds that are placed in the custody of the state treasurer pursuant to this section and sections 30.260, 30.270, and 30.952, for investment and reinvestment as provided in this section. As used in this section, the following terms mean:

(1) "Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;

(2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;

(3) "Political subdivision", counties, townships, cities, towns, villages, schools, county libraries, city libraries, city-county libraries, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, and any board of control of an art museum, and any other public subdivision or public corporation having the power to tax.

2. Notwithstanding any other provision of law to the contrary, the governing body, or any person designated by the governing body of any municipality or political subdivision of this state having authority to receive, hold, and expend public moneys or funds, may invest and reinvest in accordance with this section any moneys, including proceeds of bonds, notes or other indebtedness, which are not immediately required for the purposes for which the moneys were collected or received.

3. The state treasurer may administer the local government investment pool on behalf of the participating local officials. The treasurer may promulgate such rules and regulations as the treasurer deems necessary for the efficient administration of the pool, including specification of minimum investment amounts and minimum investment periods. The rules may provide for the administration expenses of the pool to be paid from its earning and for the interest earnings in excess of such expenses to be credited or paid to the participants in the pool in a manner which equitably reflects the differing amounts of their respective investments and the differing periods of time for which such amounts were in the pool. The state treasurer may contract with financial institutions and other service providers in furtherance of the purposes of this section.

4. The local government investment pool may invest funds, either directly, or through repurchase agreements or

through money market mutual funds as defined and regulated in Rule 2a-7 of the Securities and Exchange Commission, solely in the obligations authorized in section 15, article IV of the Missouri Constitution.

5. The state treasurer shall ensure all funds in the local government investment pool are invested with the same degree of judgment and care, under circumstances then prevailing, used in the investment of state funds.

6. A separate account for each participant in the fund shall be kept to record individual transactions and totals of all investments belonging to each participant. A monthly report showing the changes in investments made during the preceding month shall be furnished to each participant in the local government investment pool.

7. The principal and accrued income, and any part thereof, of each and every account maintained for a participant in the local government investment pool shall be subject to payment at any time from the pool upon request, subject to applicable regulations and guidelines. Accumulated income shall be remitted or credited to each participant at least quarterly.

8. The state treasurer may appoint an advisory board to assist in the marketing and administration of the local government investment pool. At least seventy-five percent of the advisory board shall be comprised of participants in the investment pool.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

30.952. Notwithstanding any other provision of law to the contrary, any municipality or political subdivision of this state, as defined in section 30.951, may invest in money market mutual funds, as defined and regulated in Rule 2a-7 of the Securities and Exchange Commission, that invest solely in securities in which the state treasurer is authorized to invest."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Jacob, Steelman, Wiggins and Yeckel.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Bland	Coleman	DePasco	Dougherty
Goode	House	Jacob	Kenney
Rohrbach	Schneider	Singleton	Wiggins--12
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	Kennedy
Kinder	Klarich	Klindt	Loudon
Mathewson	Russell	Stelman	Stoll
Westfall	Yeckel--18		
Absent--Senators			
Quick	Sims--2		
Absent with leave--Senators			
Johnson	Staples--2		

On motion of Senator Yeckel, **SB 895**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1037, 1188, 1074 and 1271**, with **SCS**, entitled:

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for forcible rape and sodomy, with penalty provisions and an emergency clause.

Was taken up by Senator Klarich.

SCS for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1037, 1188, 1074 AND 1271

An Act to repeal section 556.036, RSMo, relating to sexual offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator Klarich moved that **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

DePasco	Kinder	Schneider	Sims--4
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Absent with leave--Senators

Johnson	Staples--2
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The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross

House	Jacob	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Schneider	Sims--2		
	Absent with leave--Senators		
Johnson	Staples--2		

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1212-By Mathewson.

An Act to repeal section 41.948, RSMo, relating to students of higher education called to active military service, and to enact in lieu thereof one new section relating to the same subject.

SB 1213-By Mathewson.

An Act to repeal sections 388.610 and 388.640, RSMo, relating to railroad corporations, and to enact in lieu thereof two new sections relating to the same subject.

SB 1214-By Westfall.

An Act to repeal sections 196.949 and 196.951, RSMo, and to enact in lieu thereof two new sections relating to the regulation of dairy products.

SB 1215-By Bland, Coleman, Wiggins, Stoll, Sims and DePasco.

An Act to amend chapter 375, RSMo, by adding thereto twenty-eight new sections relating to insurance underwriting.

SB 1216-By Bland.

An Act to repeal sections 577.001 and 577.049, RSMo, relating to boating while intoxicated, and to enact in lieu thereof three new sections relating to the same subject.

SB 1217-By Coleman.

An Act to repeal section 137.495, RSMo, and to enact in lieu thereof one new section relating to tangible personal property listings.

SB 1218-By Coleman.

An Act to repeal section 116.130, RSMo, and to enact in lieu thereof one new section relating to verification of signatures on initiative or referendum petitions.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 988**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **SB 1086** and **SB 1126**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Rohrbach, Chairman of the Committee on Insurance and Housing, Senator Kenney submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 1004**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1004, Page 1, Section 376.1450, Line 6, by inserting immediately after the word "writing" the words "**or annually**".

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1107**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 912**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS No. 2** for **SB 650** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS No. 2** for **SB 650**. Representatives: Monaco, Hosmer, Clayton, Crowell and Richardson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1342**, entitled:

An Act to repeal section 115.613, RSMo, and to enact in lieu thereof one new section relating to political party committeemen and committee-women, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1381**, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the interpretation of insurance materials.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1492**, entitled:

An Act to repeal section 130.046, RSMo, and to enact in lieu thereof one new section relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1421**, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to appropriations for community college district maintenance funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SS No. 2** for **SB 650**: Senators Singleton, Klarich, Klindt, House and Caskey.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Cauthorn.

RESOLUTIONS

Senator Singleton moved that **SR 1054** be taken up for adoption, which motion prevailed.

Senator Singleton moved that **SR 1054** be adopted.

At the request of Senator Singleton, the motion to adopt **SR 1054** was withdrawn, which placed the resolution back on the Calendar.

CONCURRENT RESOLUTIONS

Senator Sims moved that **SCR 48** be taken up for adoption, which motion prevailed.

On motion of Senator Sims, **SCR 48** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Foster	Gibbons
Gross	House	Johnson	Kennedy
Kenney	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Dougherty	Goode	Jacob--3	
Absent--Senators			
Bland	Kinder	Schneider--3	
Absent with leave--Senator Staples--1			

THIRD READING OF SENATE BILLS

SB 729, with **SCS**, introduced by Senator Yeckel, entitled:

An Act to repeal section 443.415, RSMo, relating to mortgage insurance, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 729**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 729

An Act to repeal section 443.415, RSMo, relating to mortgage insurance, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 729** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 729** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senator Staples--1			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 690, introduced by Senator Gross, entitled:

An Act to repeal section 109.250, RSMo, relating to the state records commission, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 690** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
DePasco	Goode	Schneider--3	
Absent with leave--Senator Staples--1			

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1001, introduced by Senator Mathewson, entitled:

An Act to amend chapter 57, RSMo, by adding thereto one new section relating to sheriff's retirement.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 1001** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Jacob--1

Absent with leave--Senator Staples--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Klarich assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 651**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 651, Page 3, Section 354.606, Line 69, by inserting immediately after the word "standards" the following: ". **This subdivision shall not apply to supplemental insurance policies, including life care contracts, accident-only policies, specified disease policies, hospital policies providing a fixed daily benefit only, Medicare supplement policies, long-term care policies, coverage issued as a supplement to liability insurance, short-term major medical policies of six months or less duration and other supplemental policies as determined by the department of insurance**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Singleton, **SB 651**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

SB 675, with **SCS**, was placed on the Informal Calendar.

Senator Steelman moved that **SB 881**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 881**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 881

An Act to amend chapter 640, RSMo, by adding thereto six new sections relating to the environmental hearing commission.

Was taken up.

Senator Steelman moved that **SCS** for **SB 881** be adopted.

Senator Steelman offered **SS** for **SCS** for **SB 881**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 881

An Act to repeal section 621.015, RSMo, and to enact in lieu thereof four new sections relating to environmental hearings, with an effective date.

Senator Steelman moved that **SS** for **SCS** for **SB 881** be adopted.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 881, Page 4, Section 640.805, Line 18, by adding after the period on said line the following: "**however should the person filing the appeal fail to prevail in any dispute pursuant to this section then such person shall pay costs of three hundred dollars or one percent of any amount in dispute whichever is greater to the governmental subdivision subject to such appeal**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 881, Page 2, Section 640.805, Line 29, by inserting at the end of said line the following: "**Any other person who demonstrates a specific and legally cognizable interest in the permit decision and who demonstrates that the decision will have a direct and substantial impact on such interest may appeal the permit decision to the commission**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 881, Pages 4-5, Section 640.815, by striking all of said section and inserting in lieu thereof the following:

"640.815. Final decisions in cases arising pursuant to section 640.805 shall be subject to review pursuant to a petition for review to be filed in the court of appeals in the district in which the hearing is held or, where ordered by transfer, to the supreme court, and by delivery of copies of the petition to each party of record, within thirty days after the mailing or delivery of the final decision to the parties."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 881, Page 4, Section 640.805, Line 10 of said page, by striking the word "Decisions" and inserting in lieu thereof the following: **"Findings of fact, conclusions of law and recommendations"**; and further amend Line 13 of said page, by inserting immediately after said line the following:

"7. Except as otherwise provided in this section, the administrative hearing commission shall conduct hearings, make findings of fact, conclusions of law and issue a recommended decision to the director of the department of natural resources or any of the boards and commissions assigned to the department. The administrative hearing commission shall deliver or transmit by certified mail to the director or such board or commission the transcript of all testimony and proceedings, together with the administrative hearing commission's findings of fact, conclusions of law and recommended decision. The commission shall issue recommendations as to the appropriate agency decisions but any such recommendations shall not be binding upon the director or such board or commission. A copy of the findings of fact, conclusions of law and recommended decision shall be served upon the parties in person or by certified mail. Within thirty days after receipt of the transcript of all testimony and proceedings and the administrative hearing commission's findings of fact, conclusions of law and recommended decision, the director or such board or commission shall issue its final order. If no action is taken by the agency within thirty days, the recommendation of the administrative hearing commission shall become the order of the director or such board or commission. The order of the director or such board or commission pursuant to this subsection shall be a final decision subject to appeal by either party.

8. The administrative hearing commission shall conduct hearings, make findings of fact, conclusions of law and issue an order in cases involving substantial claims challenging the validity of rules promulgated pursuant to the authority of the director of the department of natural resources or any of the boards and commissions assigned to the department. A copy of the findings of fact, conclusions of law and order shall be served upon the parties in person or by certified mail. The administrative hearing commission shall maintain a transcript of all testimony and proceedings together with the administrative hearing commissions's findings of fact, conclusions of law and order, and copies shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply. The order of the administrative hearing commission pursuant to this subsection shall be a final decision subject to appeal by either party."; and further amend Line 26 of said page, by inserting immediately after said line the following:

"10. In cases reviewable pursuant to this section, the decision of the administrative hearing commission or agency shall be upheld when authorized by law and supported by competent and substantial evidence upon the whole record, if a mandatory procedural safeguard is not violated."; and further amend said section, by renumbering the subsections accordingly; and

Further amend said bill, Page 5, Section 640.825, Lines 6-13 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Gross assumed the Chair.

At the request of Senator Steelman, **SB 881**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 962**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1078**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1109**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1132**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 795**, begs leave to report that it has considered the same and recommends that bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 795, Page 3, Section 650.399, Line 2, by striking the word "present".

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1113**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1168**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1219-By Singleton.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the establishment of the Missouri healthy families trust fund, with an effective date for a certain section and a referendum clause.

SB 1220-By Sims.

An Act to repeal sections 313.057, 313.230 and 313.810, RSMo, relating to licensing requirements, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 1221-By Stoll and Rohrbach.

An Act to amend chapter 23, RSMo, by adding thereto one new section relating to the Missouri sunset act.

SB 1222-By Jacob.

An Act to amend chapter 313, RSMo, relating to funding of higher education with video gaming revenues by adding thereto eight new sections relating to the same subject, with penalty provisions.

SB 1223-By Jacob.

An Act to repeal sections 169.050 and 169.055, RSMo, relating to part-time members in the teacher and school employee retirement system, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 1224-By Coleman.

An Act to amend chapter 454, RSMo, by adding thereto four new sections relating to the parental child support responsibility program.

SB 1225-By Bentley.

An Act to repeal section 143.183, RSMo, relating to the taxation of non-resident professional athletes and entertainers, and to enact in lieu thereof one new section relating to the same subject.

SB 1226-By Kennedy.

An Act to amend chapter 337, RSMo, by adding thereto eleven new sections relating to the regulation and licensing of professional addiction counselors, with penalty provisions.

CONCURRENT RESOLUTIONS

Senators Mathewson and Yeckel offered the following concurrent resolution:

WHEREAS, we, as citizens of the United States and the state of Missouri, enjoy the freedoms afforded to us by the fearless sacrifices of our veterans; and

WHEREAS, the state of Missouri operates cemeteries and nursing home facilities for the care of Missouri's burgeoning veteran population; and

WHEREAS, these facilities are largely funded by means of the Veterans' Commission Capital Improvement Trust Fund; and

WHEREAS, due to this lofty responsibility, the Veterans' Commission Capital Improvement Trust Fund shall be utilized with the utmost efficiency:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby requests the Missouri State Auditor to conduct a performance review, on an annual basis, pertaining to the efficiency in the administration of the Missouri Veterans' Commission Capital Improvement Trust Fund; and

BE IT FURTHER RESOLVED that the director of the Missouri Veterans Commission shall report, on an annual basis, to the General Assembly the status concerning the adequacy and solvency of the Missouri Veterans' Commission Capital Improvement Trust Fund; and

BE IT FURTHER RESOLVED that the Missouri Veterans' Commission shall neither expand upon existing programs nor further obligate the Missouri Veterans' Commission Capital Improvement Trust Fund without first considering the impact on the future solvency of the fund.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1112, regarding Casey Beavers, Trenton, which was adopted.

Senator Childers offered Senate Resolution No. 1113, regarding Kevin James Walker, West Plains, which was adopted.

Senator Johnson offered Senate Resolution No. 1114, regarding Timothy Hottovy, Parkville, which was adopted.

Senator Johnson offered Senate Resolution No. 1115, regarding Wesley Kauble, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Peter Buckley, John Cottrell, Dave Johnson, Paul Schleicher, Phil Tummons, Phil Hanson, Dale Schulte, Jon Haden, Jim Herrington, Martin Smith, Francie Vandergriff and Cub Scout Pack 118 from St. Peter's Catholic School, Kansas City; and Jeffrey Pemberton, Peter Paul Abella, Derrick Collins, Timothy Schulte, Robbie Haden, Joshua Johnson, Daniel Thorman, William Degen, Tyler Hicks, Avery Tummons, Jac Cottrell, Zachary Murdock, Thomas Schleicher, Abe Lever, John Hanson, Pat Corley, Evan Hughes, Shawn Herrington and Grant Smith were made honorary pages.

Senator Rohrbach introduced to the Senate, John Young, Jefferson City.

Senator Bentley introduced to the Senate, Maura Taylor and Troy Casteel, Springfield; Ray Wicks and Tim Wichmer, St. Louis; Father Greg Meystrik, Loose Creek; Sister Barbara Jennings, Easton; Randy Halsey, Jefferson City; and Cleve Tegtmeier, Florissant.

Senator Kinder introduced to the Senate, former State Senator, United States Representative Lacy Clay, St. Louis.

Senator Russell introduced to the Senate, Steve Baird, and his children, Rachel, Elizabeth and David, Home Schoolers from Lebanon.

Senator Steelman introduced to the Senate, Angela Park, and a Home School group from the Rolla area.

On behalf of Senator House and himself, Senator Gross introduced to the Senate, Rose Mack, Vicky Huesemann, Elizabeth Meinecke, Susie Laugh, Brad Smith, Joe Hogan, Dr. Bryce Anderson, Julie Bartch, Betsy Beauparlant, Mary Blamy, Jeanne Brunstein, Tammy Campbell, Debra Cochran, Angela Gielow, Barb Hampton, Fred Jackson, Anne Klein, Gary Melchior, Ron Molly, Judith Naeger, Gary Penrod, Warlene Reed, Bruce Sowatsky, Amie Stein, Katie

Sullivan, Rochelle Dean, Stephanie Thomson, Linda Vanderberghe, Diane Wolferding, Kevin and Karen DeSain, Laurie Stump and John Thaelke of Vision St. Charles County Leadership.

Senator Russell introduced to the Senate, Lisa Jackson, Camdenton; and Amy Corban, Ann Hallmark and Richard Wylie, Niangua.

Senator Wiggins introduced to the Senate, Kate and Sally Meiners and Pam and Carrie Cowan, Kansas City; and Sally and Carrie were made honorary pages.

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. William A. Turner, M.D., and Marie Wessley, Nevada.

Senator Kenney introduced to the Senate, his wife, Sandra, and their children, Carlton and Elizabeth; Mike, Lisa, Jacob, Elle, Kate and Addie Jenkins; Mike, Kana, Caleb and Jael Steinmeyer; Stacy and Katelyn Crabtree; Christy and Alex Merrell; Diane and Amber Hedrick; Daniel Mayor; Debbie Cappler; Mackenzie Miller; Haley Miller; Rachel Riffe; and Bethany Finch, Lee's Summit; and Daniel, Alex, Amber, Debbie, Mackenzie, Caleb, Jael, Carlton, Elizabeth, Jacob, Elle, Kate, Addie, Haley, Rachel, Katelyn and Bethany were made honorary pages.

Senator Russell introduced to the Senate, Dr. Michael Miller, Dr. John Jeffers and Mrs. Dorothy Jeffers, Lebanon.

Senator Kennedy introduced to the Senate, Richard J. Davis, St. Louis.

Senator Gross introduced to the Senate, Vicky Schneider, O'Fallon.

Senator Kennedy introduced to the Senate, Scott Sifton, Affton.

Senator Johnson introduced to the Senate, Alexandra, Andrea and Sherri Plunkett; and Aubrey Callahan, Platte City; and Alexandra, Andrea and Aubrey were made honorary pages.

Senator Russell introduced to the Senate, Mike Cunningham, Marshfield.

Senator Rohrbach introduced to the Senate, W.D. Hunter and Duane Schad, Versailles; and Jerry Wolfrum, California.

Senator Goode introduced to the Senate, former State Representative Rita Days, St. Louis County.

Senator Johnson introduced to the Senate, Dr. Robert Schaaf, his wife, Debbie, and their children, Renee and Robert, St. Joseph; and Renee and Robert were made honorary pages.

Senator Russell introduced to the Senate, Gary and Sandy Letterman, Niangua.

Senator Coleman introduced to the Senate, State Representative John Bowman, St. Louis County.

On behalf of Senator Steelman and herself, Senator Sims introduced to the Senate, Ron Hardecke, and his daughter Laura, Owensville.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1162-Wiggins, et al

SB 1163-Steelman

SB 1164-Coleman, et al

SB 1165-Mathewson, et al

SB 1166-DePasco

SB 1167-Gibbons, et al

SB 1169-Childers

SB 1170-Childers

SB 1171-House

SB 1172-Yeckel

SB 1173-Yeckel

SB 1174-Steelman

SB 1175-Kennedy

SB 1176-Loudon

SB 1177-Coleman

SB 1178-Kinder, et al

SB 1179-Caskey and Dougherty

SB 1180-Jacob

SB 1181-Coleman

SB 1182-Singleton

SB 1183-Bentley

SB 1184-Steelman

SB 1185-Kenney

SB 1186-Kenney

SB 1187-Kennedy

SB 1188-Klindt

SB 1189-Westfall

SB 1190-Schneider

SB 1191-Jacob

SB 1192-Gross

SB 1193-Caskey

SB 1194-Klarich

SB 1195-Steelman, et al

SB 1196-Kennedy

SB 1197-Gibbons

SB 1198-Gibbons

SB 1199-Foster

SB 1200-Foster

SB 1201-Foster

SB 1202-Westfall

SB 1203-Yeckel

SB 1204-Yeckel

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SB 1207-Bentley

SB 1208-Dougherty

SB 1209-Goode and Sims

SB 1210-Johnson

SB 1211-Coleman

SB 1212-Mathewson

SB 1213-Mathewson

SB 1214-Westfall

SB 1215-Bland, et al

SB 1216-Bland

SB 1217-Coleman

SB 1218-Coleman

SB 1219-Singleton

SB 1220-Sims

SB 1221-Stoll and Rohrbach

SB 1222-Jacob

SB 1223-Jacob

SB 1224-Coleman

SB 1225-Bentley

SB 1226-Kennedy

SJR 36-Jacob

SJR 37-Klindt

SJR 38-Cauthorn and Steelman

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,

et al, with SCS

2. SBs 721, 757, 818 &

930-Westfall, with SCS

3. SB 665-Kenney

4. SB 836-Gross and
Dougherty, with SCS
5. SB 840-Gross and
Russell, with SCS
6. SB 740-Wiggins
7. SB 687-Gibbons and
Yeckel
8. SB 959-Kenney and
Kinder, with SCS
9. SBs 817, 978 & 700-
Gross, with SCS
10. SBs 837, 866, 972 &
990-Cauthorn, with SCS
11. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
12. SBs 894, 975 & 927-
Kinder, with SCS
13. SBs 670 & 684-Sims,
with SCS
14. SB 1005-Loudon
15. SBs 741, 929 & 871-
Wiggins, with SCS
16. SBs 1061 & 1062-
Rohrbach and
Kenney, with SCS
17. SBs 843 & 658-Stoll,
with SCS
18. SB 647-Goode, with SCS

19. SBs 969, 673 & 855-

Westfall and Bentley,

with SCS

20. SB 1059-Bentley, et al,

with SCS

21. SB 1052-Sims, with SCS

22. SB 884-DePasco and

Kenney, with SCS

23. SBs 984 & 985-

Steelman, with SCS

24. SB 1046-Gross and

House, with SCS

25. SB 1103-Westfall, et al

26. SBs 915, 710 & 907-

Westfall, et al, with SCS

27. SBs 923, 828, 876, 694

& 736-Sims, with SCS

28. SB 676-Yeckel, et al,

with SCS

29. SB 900-Goode, et al,

with SCS

30. SB 1107-Childers,

with SCS

31. SB 912-Mathewson,

with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 675-Yeckel, et al, with SCS

SB 881-Steelman and Yeckel,

with SCS & SS for SCS

(pending)

SBs 958 & 657-Kinder,

with SCS

SBs 970, 968, 921, 867, 868 &

738-Westfall, et al, with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/18

SB 775-House and Loudon

SB 744-Caskey

SB 989-Caskey

SB 1017-Cauthorn

SB 1041-Russell

SB 961-Wiggins, et al

SB 642-Russell, with SCS

Reported 2/19

SB 1011-Caskey

SB 786-Goode

SB 1015-Foster and

Mathewson, with SCS

Reported 2/25

SB 714-Singleton

SB 1024-Bentley, with SCS

SB 976-Steelman, et al

SB 967-Kennedy, et al,

with SCS

SB 950-Gibbons and Klarich

SB 960-Kenney, et al,

with SCS

SB 966-Kennedy, with SCS

SB 916-Dougherty, et al,

with SCS

SB 1094-Russell

SB 834-Sims, with SCS

SB 941-DePasco

SB 1071-Klindt, with SCS

Reported 2/26

SB 988-Caskey, with SCS

SBs 1086 & 1126-DePasco,

with SCS

SB 1004-Loudon, with SCA 1

SB 1106-Klarich, with SCS

SB 962-Wiggins

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with

SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SB 650-Singleton,
with HCS

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

To be Referred

SCR 51-Mathewson and
Yeckel

Reported from Committee

SR 1054-Singleton

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-NINTH DAY--WEDNESDAY, FEBRUARY 27, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"...but those who listen to me will be secure and will live at ease, without dread of disaster." (Proverbs 1:33)

Gracious and loving God, help us this day to hear Your word, understand its wisdom, obey Your directions and rest secure in Your grace. Help us not to confuse our search for courage, love and wisdom with fame, fortune and status but help us to embrace what we have; Your wisdom, teaching, guidance and counseling. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Maxwell assumed the Chair.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators --None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1116, regarding Noah Harrison Winton, Columbia, which was adopted.

Senator Dougherty offered Senate Resolution No. 1117, regarding Tanika Shaneese Trotman, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bill and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 1227-By Rohrbach.

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

SJR 39-By Gross and House.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri relating to taxation of veterans organizations, and adopting one new section in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 775, introduced by Senators House and Loudon, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the American military veterans bridge.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **SB 775** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Dougherty	Kennedy	Quick
Schneider--5			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 744, introduced by Senator Caskey, entitled:

An Act to repeal section 60.010, RSMo, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 744** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Kennedy	Schneider--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 989, introduced by Senator Caskey, entitled:

An Act to repeal section 137.082, RSMo, relating to the ad valorem property tax on new construction, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 989** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Kennedy	Schneider--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 895**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 970, SB 968,**

SB 921, SB 867, SB 868 and **SB 738**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 970, 968, 921, 867, 868** and **738**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 970, 968, 921, 867, 868 and 738

An Act to repeal sections 142.803, 144.805, 155.080, 227.100 and 305.230, RSMo, relating to transportation, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **SBs 970, 968, 921, 867, 868** and **738** be adopted.

Senator Westfall offered **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 970, 968, 921, 867, 868,

and 738

An Act to repeal sections 136.055, 142.803, 144.805, 155.080, 226.200, 226.540, 226.550, 226.573, 226.580, 226.585, 227.100 and 305.230, RSMo, relating to transportation, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Westfall moved that **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738** be adopted.

Senator Westfall offered **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 970, 968, 921, 867, 868

and 738

An Act to repeal sections 136.055, 142.803, 144.805, 155.080, 226.540, 226.550, 226.573, 226.580, 226.585, 227.100 and 305.230, RSMo, relating to transportation, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Westfall moved that **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738** be adopted.

Senator Mathewson offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Pages 27-32, Section 227.107, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

Senator Rohrbach assumed the Chair.

Senator Goode offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 227.107, Lines 7-12, by striking all of said lines, and insert in lieu thereof, the following: "enter into highway design-build project contracts"; and further amend said section, page 31, lines 7-29, by striking said lines; and further amend said section, page 32, lines 1-5, by striking said lines; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted.

Senator Kenney requested unanimous consent of the Senate to allow Highway Patrol Troopers in the Chamber in full uniform and armed, which request was granted.

SSA 1 for **SA 1** was again taken up.

Senator Cauthorn requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1**. He was joined in his request by Senators Bentley, Childers, Goode and Sims.

SSA 1 for **SA 1** was adopted by the following vote:

YEAS--Senators

Caskey	Coleman	DePasco	Dougherty
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Mathewson	Quick
Schneider	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel--23	

NAYS--Senators

Bentley	Bland	Cauthorn	Childers
Foster	Klindt	Loudon	Rohrbach
Russell	Singleton	Westfall--11	

Absent--Senators--None

Absent with leave--Senators--None

At the request of Senator Westfall, **SB 970**, **SB 968**, **SB 921**, **SB 867**, **SB 868** and **SB 738**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HBs 1037**, **1188**, **1074** and **1271** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1228-By Sims.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for infertility, with a delayed effective date.

SB 1229-By Gibbons.

An Act to repeal sections 173.205 and 335.212, RSMo, relating to the Charles Gallagher student financial assistance program and the nursing student loan program, and to enact in lieu thereof two new sections relating to the same subject.

SB 1230-By Gibbons.

An Act to repeal sections 190.101, 190.102, 190.108 and 190.120, RSMo, relating to emergency services, and to enact in lieu thereof five new sections relating to the same subject.

SB 1231-By Gibbons.

An Act to repeal section 44.023, RSMo, relating to the emergency management agency, and to enact in lieu thereof five new sections relating to the same subject.

SB 1232-By Singleton.

An Act to amend chapter 233, RSMo, by adding thereto one new section relating to road districts.

SB 1233-By Yeckel.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420 and 167.349, RSMo, relating to charter schools, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause for a certain section.

SB 1234-By Bland and Coleman.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to utility rates determined by the public service commission.

SB 1235--By Bland and Coleman.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the public service commission.

REFERRALS

President Pro Tem Kinder referred **SCR 51** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 1162--Pensions and General Laws.

SB 1163--Commerce and Environment.

SB 1164--Pensions and General Laws.

SB 1165--Agriculture, Conservation, Parks and Tourism.

SB 1166--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1167--Ways and Means.

SB 1169--Judiciary.

SB 1170--Commerce and Environment.

SB 1171--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1172--Aging, Families and Mental Health.

SB 1173--Ways and Means.

SB 1174--Commerce and Environment.

SB 1175--Public Health and Welfare.

SB 1176--Pensions and General Laws.

SB 1177--Ways and Means.

SB 1178--Pensions and General Laws.

SB 1179--Local Government and Economic Development.

SB 1180--Insurance and Housing.

SB 1181--Civil and Criminal Jurisprudence.

SB 1182--Public Health and Welfare.

SB 1183--Education.

SB 1184--Public Health and Welfare.

SB 1185--Pensions and General Laws.

SB 1186--Local Government and Economic Development.

SB 1187--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1188--Civil and Criminal Jurisprudence.

SB 1189--Transportation.

SB 1190--Aging, Families and Mental Health.

SB 1191--Pensions and General Laws.

SJR 36--Ways and Means.

SJR 37--Transportation.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1118, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Garber, Versailles, which was adopted.

Senator Mathewson offered Senate Resolution No. 1119, regarding Carol Scrimager, Sedalia, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1120

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of John (Jack) Sanderson, of Kansas City; and

WHEREAS, Mr. Sanderson, a lifelong resident of Kansas City and a graduate of Rockhurst High School and Rockhurst University, also served in the United States Navy during World War II, graduating from Signalman School in 1944; and

WHEREAS, Mr. Sanderson was associated with Hubbell Metals, National Steel and other related companies during a long and successful business career and a long and distinguished business career, during which he was active in other civic and community affairs, particularly for Rockhurst; and

WHEREAS, Mr. Sanderson was a long time active member of Cure of Ars Catholic Church and throughout his life was an avid athlete; and

WHEREAS, Mr. Sanderson was most of all a dedicated husband, father and grandfather in whose heart and love his family always came first:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of an outstanding Kansas Citian and Rockhurst graduate, John (Jack) Sanderson, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City and to Missouri, and extend to his wife, Mrs. Jean W. Sanderson, family and many friends most sincere sympathy on his death.

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Jean W. Sanderson, son and daughter, Rockhurst High School and Rockhurst University.

THIRD READING OF SENATE BILLS

SB 1017, introduced by Senator Cauthorn, entitled:

An Act to repeal section 67.1003, RSMo, relating to transient guest tax, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 1017** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Staples-- 1			
Absent--Senator Bland-- 1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 1041, introduced by Senator Russell, entitled:

An Act to authorize the conveyance of property owned by the department of natural resources to private ownership.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 1041** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Gibbons	Singleton--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 961, introduced by Senator Wiggins, et al, entitled:

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eight new sections relating to police retirement systems.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **SB 961** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Gibbons	Singleton	Staples--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 970, SB 968, SB 921, SB 867, SB 868** and **SB 738**, with **SCS, SS for SCS** and **SS for SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for SS for SCS for SBs 970, 968, 921, 867, 868 and **738**, as amended, was again taken up.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5, by inserting after all of said line the following:

"302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. **Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and required by regulations promulgated by the secretary.** Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the secretary.

(1) The written and driving tests shall be held at such times and in such places as the director may designate. A five-dollar examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(3) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material **must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and required by regulations promulgated by the secretary**, such person shall be required to take the written test for such endorsement. A five-dollar examination fee shall be paid for each test taken.

3. The director may waive the driving test for a commercial driver's license if such applicant provides the certifications required by regulations established by the secretary as a substitute for the driving test and holds a valid license.

4. The certifications may include, but not be limited to, stating that during the two-year period immediately prior to applying for a commercial driver's license the applicant:

(1) Has not had more than one license;

(2) Has not had any license suspended, revoked, canceled or disqualified;

(3) Has not had a conviction in any type of motor vehicle for driving while intoxicated, driving while under the influence of alcohol or controlled substance, leaving the scene of an accident or felony involving the use of a commercial motor vehicle;

(4) Has not violated any state law or county or municipal ordinance relating to the operation of a motor vehicle in connection with an accident; and

(5) Has no record of an accident in which such applicant was at fault.

5. In order to be valid as a certification exempting the applicant from the driving test, the applicant shall also provide evidence and certify that:

(1) He is regularly employed in a job requiring him to drive a commercial motor vehicle; and

(2) He has previously taken and passed a driving test given by a state with a classified licensing and testing system, and that the test was behind the wheel in a representative vehicle for that applicant's license classification; or

(3) He has operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the applicant drives or expects to drive.

6. A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, In the Title, Line 7, by inserting after "sections" the following: "and with an effective date for certain sections"; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after all of said line the following:

"92.045. 1. Any constitutional charter city in this state which now has or may hereafter acquire a population in excess of three hundred fifty thousand inhabitants, according to the last federal decennial census, is hereby authorized, for city and local purposes, to license, tax, and regulate the occupation of merchants, manufacturers, and all businesses, avocations, pursuits, and callings that are not exempt from the payment of licenses by law and may, by ordinance, base such licenses on gross receipts, gross profits or net profits, per capita, flat fee, graduated scale based on gross or net receipts or sales, or any other method or measurement of tax or any combination thereof derived or allocable to the carrying on or conducting of any business, avocation, pursuits or callings or activities carried on in such cities **or airports owned, controlled or maintained by such cities.**

2. The local legislative body may grant by ordinance to its administering tax official the power to adopt regulations and rules relating to any matters pertaining to the administration and enforcement of any ordinances enacted in accordance with the authority heretofore given. Copies of such regulations and rules shall be kept in the office of such tax official designated in such ordinance and shall be open to inspection by the public. Said regulations or rules may be changed

or amended from time to time."; and

Further amend said bill, Page 36, Section 305.230, Line 18 of said page, by inserting after all of said line the following:

"305.510. 1. "The Missouri-St. Louis Metropolitan Airport Authority" is hereby established. The authority is a body corporate and a political subdivision of the state and shall be known as "The Missouri-St. Louis Metropolitan Airport Authority", and in that name may sue and be sued. Actions of the authority are declared to be in the public interest and for a public purpose, and the authority may exercise the powers herein granted or necessarily implied for the purpose of promoting the general welfare and to provide safe and convenient air travel and transportation to and from the greater St. Louis metropolitan area.

2. [After June 30, 1983, the general assembly shall not appropriate or expend any state moneys for the implementation and continuation of this section or the Missouri-St. Louis metropolitan airport authority.] **Beginning January 1, 2005, the authority shall be responsible for the operation of any and all international airports located in Missouri within fifty miles of the city of St. Louis, and shall exercise any and all powers granted to it in this chapter in the exercise of this responsibility. Nothing herein shall be construed to change the ownership of such international airport.**

3. The authority shall honor all bonds, debts, outstanding obligations and contracts and employee pension plans of any airport or airport authority affected by this section.

4. The operation of such airport by the authority shall replace the operation by any other entity created by local ordinance.

5. Any profit from the operation of any airport or airport authority affected by this section shall continue to be received by the city of St. Louis.

6. The provisions of sections 305.510 and 305.515 shall not affect the tax authorized pursuant to section 92.045, RSMo.

305.515. 1. [The governor, with the advice and consent of the senate, shall appoint four members of the authority; and two of the members shall be appointed for a term of two years, and two for a term of three years. The governor shall designate one of the authority members as chairman for the first two years. Thereafter, the authority membership shall elect a member to serve as chairman.] The mayor of the city of St. Louis [and the supervisor], **the county executive of St. Louis County, the county executive of St. Charles County and the county commissions of Jefferson and Franklin Counties,** with the advice and consent of their respective governing bodies, shall each appoint [three members of the authority and of the three, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. The county commissions of Jefferson, Franklin and St. Charles counties shall each appoint one member of the authority, each such member to serve a term of four years. Thereafter, all appointments shall be for a term of four years.] **one member of the authority for each one hundred thirty thousand residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the commission. The first, third and fifth members initially appointed by an appointing authority shall be appointed for a term of four years. The second, fourth and sixth initial members shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority.** Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term. **The authority membership shall elect a member to serve as chairman.**

2. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

3. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.
4. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority.

305.572. Beginning April 1, 2005, the authority shall enter into negotiations with the appropriate officials from the city of St. Louis to discuss issues regarding employees who work in the area's airport. The issues to be discussed shall include, but not be limited to, the following:

- (1) Employee transition issues;**
- (2) Employee pension plans and other retirement issues; and**
- (3) The amount of compensation from the city of St. Louis to employee wages, pension plans and other benefit programs.**

Any issues discussed between the authority and the city of St. Louis shall not be binding upon the parties."; and

Further amend said bill, Page 36, Section B, Line 26 of said page, by inserting after all of said line the following:

"Section C. The provisions of sections

92.045, 305.510, 305.515 and 305.572 of this act shall become effective on January 1, 2005.";

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Dougherty raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope and purpose of the underlying substitute.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Gibbons assumed the Chair.

Senators Jacob and Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 3, Section 142.803, Line 16 of said page, by inserting immediately after the closing bracket "]" the following: **". In addition to the tax levied pursuant to this section, there is levied an additional tax of three cents per gallon upon diesel fuel";** and

Further amend said bill, Page 32, Section 227.107, Line 5 of said page, by inserting immediately after said line the following:

"301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

6,000 pounds and under \$ [25.50] **33.00**

6,001 pounds to 9,000 pounds [38.00] **49.50**

9,001 pounds to 12,000 pounds [38.00] **49.50**

12,001 pounds to 18,000 pounds ... [63.00] **82.00**

18,001 pounds to 24,000 pounds .. [100.50] **131.00**

24,001 pounds to 26,000 pounds .. [127.00] **165.00**

26,001 pounds to 30,000 pounds .. [180.00] **234.00**

30,001 pounds to 36,000 pounds .. [275.50] **357.50**

36,001 pounds to 42,000 pounds .. [413.00] **537.00**

42,001 pounds to 48,000 pounds .. [550.50] **716.00**

48,001 pounds to 54,000 pounds .. [688.00] **894.00**

54,001 pounds to 60,010 pounds..[825.50] **1,073.00**

60,011 pounds to 66,000 pounds..[1,100.50] **1,431.00**

66,001 pounds to 73,280 pounds..[1,375.50] **1,788.00**

73,281 pounds to 78,000 pounds..[1,650.50] **2,146.00**

78,001 pounds to 80,000 pounds..[1,719.50] **2,235.00**

301.265. 1. The owner of any motor vehicle or, in the event the motor vehicle is legally operated by someone other than the owner, then the operator thereof, which is duly and legally registered in some other jurisdiction but which cannot legally be operated on Missouri highways under the provisions of section 301.271, or under the provisions of any applicable agreement duly entered into by the Missouri highway reciprocity commission, which is operated on the highways of this state only occasionally by such owner or operator, may in lieu of the payment of the registration fee for such vehicle, obtain a trip permit from the department of revenue authorizing the operation of such vehicle on the highways of this state for a period of not to exceed seventy-two hours. The trip permit is valid for use by any owner or operator who uses the vehicle during the seventy-two hour period. The fee for such trip permit shall be [ten] **fourteen** dollars **and fifty cents** and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state highway department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of the agreement shall prevail. When such trip permit fee has been paid on a motor vehicle, no registration or fee shall be required for a trailer or semitrailer duly and legally registered in any jurisdiction and propelled by such motor vehicle. The director of revenue shall prescribe rules and regulations to effectuate the purpose of this section. Application for such trip permits shall be made on a form prescribed by and shall contain such information as may be required by the director of revenue.

2. The requirements of Missouri law as to title of motor vehicles shall not be applicable to vehicles operated under such trip permits.

3. Any owner or operator who desires to use a trip permit for the operation of his vehicle shall secure such permit and the same must be in full force and effect before the vehicle enters or commences its trip in the state of Missouri.

4. Operators who fail to obtain such permit before the vehicle enters or commences its trip in this state are subject to arrest and must obtain such permit before proceeding. The permits shall be made available at official highway weight stations.

5. The purchase of a [ten] **fourteen** dollar **and fifty cents** trip permit shall allow such operator to haul the maximum weight allowed by statute.

6. Such permits may be sold in advance of the date of their use in such quantities as the director of revenue shall determine.

302.735. 1. The application for a commercial driver's license shall include, but not be limited to, the legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director.

2. The application for a commercial driver's license or renewal shall be accompanied by the payment of a fee of [forty] **sixty** dollars. The fee for a duplicate commercial driver's license shall be [twenty] **thirty** dollars. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance and must be renewed on or before the date of expiration. The director shall have the authority to stagger the issuance or renewal of commercial driver's license applicants over a six-year period. When a person changes such person's name an application for a duplicate license shall be made to the director of revenue. When a person changes such person's mailing address or residence the applicant shall notify the director of revenue of said change, however, no application for a duplicate license is required. To all applicants for a commercial license or renewal who are between eighteen and twenty-one years of age and seventy years of age and older, the application shall be accompanied by a fee of twenty dollars. A commercial license issued pursuant to an applicant less than twenty-one years of age and seventy years of age and older shall expire on the applicant's birthday in the third year after issuance.

3. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

4. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification.

304.010. 1. As used in this section, the following terms mean:

(1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than forty-eight thousand pounds shall be operated in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**

(2) Upon the rural expressways of this state, sixty-five miles per hour;

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;

(4) All other roads and highways in this state not located in an urbanized area and not provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance.

If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as

defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

11. As used in this section, the word "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.

12. (1) The operator of any truck registered for a gross weight of more than forty-eight thousand pounds operating such vehicle at a speed in excess of sixty-five miles per hour shall be fined one hundred dollars for every five-mile increment in which the operator exceeds sixty-five miles per hour.

(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the speeding violation."; and

Further amend said bill, Page 36, Section 305.230, Line 18 of said page, by inserting immediately after said line the following:

"622.030. 1. The administrative law judges shall assume all the duties concerning transportation activities heretofore imposed upon the commissioners of the public service commission in their quasi-judicial capacity and function. All ministerial duties shall be performed by the division, and the administrative law judges shall not be responsible for those activities. The administrative law judges shall hear and decide all matters concerning transportation activities which the public service commission or public service commissioners would have been required to hear and decide in a quasi-judicial capacity.

2. Each administrative law judge may exercise all powers granted to the division without the concurrence of any other administrative law judge, except with respect to the rulemaking powers, in which all administrative law judges must concur. The method of assignment of petitions, appeals or other cases may be determined by rule or other agreement between the administrative law judges. Except as provided in section 622.035, all hearings before the administrative law judges shall be governed by rules adopted by them. In all investigations, inquiries or hearings before the division or the administrative law judges, neither the administrative law judges nor the division shall be bound by technical rules of evidence. No formality in any proceeding nor in the manner of taking testimony before the division or an administrative law judge shall invalidate any order, decision, rule or regulation made, approved or confirmed by the division or administrative law judge.

3. The division [may] **shall** charge a [reasonable] docket fee [as may be set by rule] **of two hundred dollars** to be paid upon the filing of any petition, application, complaint, or other request for relief or authority by any party other than the division staff. All such docket fees shall be paid to the state director of revenue at the time of the filing of any such petition, application, complaint or other request for relief or authority, and the same shall be deposited by the state director of revenue in the highway fund of the state of Missouri.";

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, House, Kinder and Stoll.

Senator Singleton assumed the Chair.

Senator Schneider requested a division of the question asking that a vote first be taken on the part of the amendment

dealing with Section 304.010 and that a second vote be taken on the remainder of the amendment.

Senator Klarich made a substitute request that the amendment be divided in three parts, asking that a vote first be taken on part I of the amendment dealing with Pages 1-5 including Sections 142.803, 301.057, 301.265 and 302.735; a second vote be taken on Pages 5-9 dealing with Section 304.010; and that a third vote be taken on the remainder of the amendment, which request was granted.

Senator Schneider requested further division of the question asking that a separate vote be taken on Lines 2-5 of Page 1 dealing with Section 142.803.

Senator Jacob made a substitute request for a division of the question asking that a separate vote be taken on each of the following sections of the amendment: Section 142.803; Section 301.057; Section 301.265; Section 302.735; Section 304.010 and Section 622.030, which request was granted.

Senator Klarich assumed the Chair.

Senator Schneider requested a roll call vote be taken on the adoption of all six parts of the amendment and was joined in his request by Senators Sims, Childers, House and Jacob.

Senator Jacob moved that **Part I** of **SA 4** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bentley	Bland	Coleman	Dougherty
Goode	House	Jacob	Kennedy
Quick	Schneider	Wiggins--11	
NAYS--Senators			
Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Yeckel--22		
Absent--Senator DePasco--1			
Absent with leave--Senators--None			

Senator Jacob moved that **Part II** of **SA 4** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bland	Coleman	DePasco	Dougherty
Goode	House	Jacob	Kennedy
Quick	Schneider	Sims	Wiggins--12
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Singleton	Staples	Steelman	Stoll
Westfall	Yeckel--22		
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Jacob moved that **Part III** of **SA 4** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bland	Coleman	DePasco	Dougherty
House	Jacob	Kennedy	Quick
Schneider	Wiggins-- 10		
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Yeckel-- 24
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Jacob moved that **Part IV** of **SA 4** be adopted, which motion failed by the following vote:

YEAS--Senators			
Coleman	DePasco	Dougherty	Jacob
Kennedy	Schneider	Wiggins-- 7	
NAYS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Yeckel-- 27	
Absent--Senators--None			
Absent with leave--Senators--None			

Part V of **SA 4** was taken up.

Senator Caskey raised the point of order that **Part V** of **SA 4** is out of order in that it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Jacob moved that **Part VI** of **SA 4** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bland	Coleman	DePasco	Dougherty
Jacob	Klarich	Quick	Schneider
Wiggins-- 9			
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Mathewson

Rohrbach
Staples
Yeckel--25

Russell
Steelman

Sims
Stoll

Singleton
Westfall

Absent--Senators--None
Absent with leave--Senators--None

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 155.080, Line 22, by inserting after all of said line the following:

"226.202. Beginning the first fiscal year following voter approval of this act, the total amount of appropriations from the state highways and transportation department fund, as established in section 226.200 to the state highway patrol shall be reduced by twenty-five percent based on the prior fiscal year appropriation to the state highway patrol. For each ensuing fiscal year, the total amount of appropriations from the state highways and transportation department fund to the state highway patrol shall be reduced an additional twenty-five percent for every subsequent fiscal year thereafter until the state highway patrol does not receive any appropriations from the state highways and transportation department fund for fiscal years 2007 or any subsequent fiscal year."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Westfall, **SB 970, SB 968, SB 921, SB 867, SB 868** and **SB 738**, with **SCS, SS** for **SCS, SS** for **SS** for **SCS** and **SA 5** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1375**, entitled:

An Act to repeal section 443.415, RSMo, and to enact in lieu thereof one new section relating to mortgage insurance amounts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1495**, entitled:

An Act to repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1348**, entitled:

An Act to repeal section 263.531, RSMo, and to enact in lieu thereof one new section relating to boll weevil eradication.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 1121, regarding Kenneth E. Jones, D.O., Lebanon, which was adopted.

Senator Klindt offered the following resolution:

SENATE RESOLUTION NO. 1122

WHEREAS, the United States Army Corps of Engineers is considering six alternatives for managing the Missouri River mainstream reservoir system. Excluding the Current Water Control Plan (CWCP), there are five other plans which would result in the storage of more water in the upstream reservoirs while decreasing the amount of useable water available for downstream designated uses; and

WHEREAS, the United States Fish and Wildlife Service has recommended flow changes below Gavins Point Dam and four of the six plans proposed by the United States Army Corps of Engineers include both an artificial spring rise and a summer low flow component downstream of Gavins Point Dam; and

WHEREAS, these proposed changes in total system storage would restrict the use of water by downstream states and thus be detrimental to the future welfare of Missourians. Substantial flow restrictions would put not only Missouri River navigation at risk but Mississippi River navigation at risk; and

WHEREAS, the Corps of Engineers own analysis shows a net habitat gain of a minimal 37.4 acres below Gavins Point Dam will occur by implementing proposed changes increasing river flows to 20,000 cubic feet per second over CWCP releases and reducing summer flows to 21,000; and

WHEREAS, the Missouri River watershed drains one-sixth of the United States over an eight-state area and the river itself is 2,341 miles long, 37.4 acres of net new habitat compared to this massive land area seems incredibly out of balance considering the risks associated with the proposed changes; and

WHEREAS, spring releases from Gavins Point Dam during May would increase the risk of flooding, cause higher groundwater levels, and impede interior drainage throughout the lower basin; and

WHEREAS, summer low flows of the magnitude that are being proposed, would likely have a severe impact on industries and utilities that depend on the waters of the Missouri River; and

WHEREAS, the State of Missouri believes that the Missouri River must remain a river of many uses maintaining the Congressionally authorized purposes of the River particularly flood control and navigation, and that future management of the River must balance the interests of both the upstream and downstream reaches of the River:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, Second Regular Session, hereby urge the federal government not to adopt any proposal that would negatively impact beneficial uses of the lower Missouri and Mississippi Rivers; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, Vice President of the United States, Secretary of the United States Department of Interior, Secretary of the United States Department of Agriculture, Secretary of the United States Department of Transportation, Assistant Secretary of the Army for Civil Works, and the Chief of Engineers of the United States Army Corps of Engineers.

Senator Jacob offered the following resolution:

SENATE RESOLUTION NO. 1123

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2002, the American Legion Auxiliary, Department of Missouri, is conducting the Sixty-First annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-First General Assembly, hereby grant the adult leaders and participants of the Sixty-First Session of the Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on June 25, 2002.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Dr. Dorothy Fryer, Mr. Edwin Fryer, Caroline Fryer and Mr. Aron Williams, St. Louis; and Caroline was made an honorary page.

Senator Gibbons introduced to the Senate, Laura Hockensmith and her parents, Dana and Sue Hockensmith, Manchester.

Senator Russell introduced to the Senate, Gary Naylor, Jeff Owen, Brennon Abraham, Pam Blosser, Mary Delp, Alan Heard, Debra Henderson, Jenny McIntire, Tad Messenger, Kenneth Niemi, Linda Portman, Jay Roderick and Ron Locke, members of the Buffalo Excel Leadership Class.

Senator Bentley introduced to the Senate, Jeff Lindmark, Kansas City.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Tom Saak, M.D., St. Louis.

Senator Westfall introduced to the Senate, Justin Doherty, Bolivar; and Justin was made an honorary page.

Senator House introduced to the Senate, James Renner and Greg Reed, Pike County; and Floyd Dowell and Pat Rhoads, Lincoln County.

Senator Rohrbach introduced to the Senate, Mike Hotra and Rochelle Tedesco, Washington, D.C.

Senator Loudon introduced to the Senate, Leonard Sonnenschein, Manchester.

Senator Cauthorn introduced to the Senate, Lori Johnson, Mexico.

Senator Mathewson introduced to the Senate, Terri Combs, Judy Imhouser and Ashley Roggenkomp, Pettis County.

Senator Rohrbach introduced to the Senate, Heather Crocker, Jefferson City.

Senator Kenney introduced to the Senate, his daughter, Elizabeth, Lee's Summit; and Elizabeth was made an honorary page.

Senator Steelman introduced to the Senate, Susan Gabelsberger, Bonnots Mill.

Senator Dougherty introduced to the Senate, Senator Maggie Carlton, Nevada.

Senator Steelman introduced to the Senate, Alison and Caleb Poynter and Kathy and Kenny Moore, Houston.

Senator Sims introduced to the Senate, Gene and Ginny Terry, Jefferson City.

Senator Kennedy introduced to the Senate,

Onis Harper and Martin Corcoran, Maplewood.

Senator Kennedy introduced to the Senate, Chancellor Blanche Touhill and Betty Van Uum, St. Louis.

Senator Dougherty introduced to the Senate, Chris Hayday, Columbia.

Senator Westfall introduced to the Senate, Dona Funk, Vicki Simmons and Mr. and Mrs. Ken Potts, Cedar County.

Senator Stoll introduced to the Senate, members of the Kimmswick Historical Society, Kimmswick.

Senator Bentley introduced to the Senate, Dr. and Mrs. Robert Flanders, Springfield.

Senator Steelman introduced to the Senate, Chancellor Gary Thomas, Rolla.

Senator Wiggins introduced to the Senate, David E. Brown, Jana Robinson, Amanda Roberts and Ashley Harper, Kansas City.

Senator Singleton introduced to the Senate, Kenneth Johnson, Jim Woestman, Bill Putnam, Don Stearnes, Barbara Welch, Joe Barfield and Mike Moss, Carthage and Carl Junction.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTIETH DAY-THURSDAY, FEBRUARY 28, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1193-Caskey

SB 1194-Klarich

SB 1195-Steelman, et al

SB 1196-Kennedy

SB 1197-Gibbons

SB 1198-Gibbons

SB 1199-Foster

SB 1200-Foster

SB 1201-Foster

SB 1202-Westfall

SB 1203-Yeckel

SB 1204-Yeckel

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SB 1207-Bentley

SB 1208-Dougherty

SB 1209-Goode and Sims

SB 1210-Johnson

SB 1211-Coleman

SB 1212-Mathewson

SB 1213-Mathewson

SB 1214-Westfall

SB 1215-Bland, et al

SB 1216-Bland

SB 1217-Coleman

SB 1218-Coleman

SB 1219-Singleton

SB 1220-Sims

SB 1221-Stoll and Rohrbach

SB 1222-Jacob

SB 1223-Jacob

SB 1224-Coleman

SB 1225-Bentley

SB 1226-Kennedy

SB 1227-Rohrbach

SB 1228-Sims

SB 1229-Gibbons

SB 1230-Gibbons

SB 1231-Gibbons

SB 1232-Singleton

SB 1233-Yeckel

SB 1234-Bland and Coleman

SB 1235-Bland and Coleman

SJR 38-Cauthorn and Steelman

SJR 39-Gross and House

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,

et al, with SCS

2. SBs 721, 757, 818 &

930-Westfall, with SCS

3. SB 665-Kenney

4. SB 836-Gross and

Dougherty, with SCS

5. SB 840-Gross and
Russell, with SCS
6. SB 740-Wiggins
7. SB 687-Gibbons and Yeckel
8. SB 959-Kenney and
Kinder, with SCS
9. SBs 817, 978 & 700-
Gross, with SCS
10. SBs 837, 866, 972 &
990-Cauthorn, with SCS
11. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
12. SBs 894, 975 & 927-
Kinder, with SCS
13. SBs 670 & 684-Sims, with SCS
14. SB 1005-Loudon
15. SBs 741, 929 & 871-
Wiggins, with SCS
16. SBs 1061 & 1062-
Rohrbach and Kenney, with SCS
17. SBs 843 & 658-Stoll,
with SCS
18. SB 647-Goode, with SCS
19. SBs 969, 673 & 855-
Westfall and
Bentley, with SCS

20. SB 1059-Bentley, et al, with SCS

21. SB 1052-Sims, with SCS

22. SB 884-DePasco and

Kenney, with SCS

23. SBs 984 & 985-

Steelman, with SCS

24. SB 1046-Gross and

House, with SCS

25. SB 1103-Westfall, et al

26. SBs 915, 710 & 907-

Westfall, et al, with SCS

27. SBs 923, 828, 876, 694

& 736-Sims, with SCS

28. SB 676-Yeckel, et al,

with SCS

29. SB 900-Goode, et al,

with SCS

30. SB 1107-Childers,

with SCS

31. SB 912-Mathewson,

with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS & SA 1 (pending)

SB 675-Yeckel, et al,

with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder,

with SCS

SBs 970, 968, 921, 867,

868 & 738-Westfall, et al,

with SCS, SS for SCS,

SS for SS for SCS & SA 5

(pending)

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/18

SB 642-Russell, with SCS

Reported 2/19

SB 1011-Caskey

SB 786-Goode

SB 1015-Foster and

Mathewson, with SCS

Reported 2/25

SB 714-Singleton

SB 1024-Bentley, with SCS

SB 976-Steelman, et al

SB 967-Kennedy, et al,

with SCS

SB 950-Gibbons and Klarich

SB 960-Kenney, et al,

with SCS

SB 966-Kennedy, with SCS

SB 916-Dougherty, et al,

with SCS

SB 1094-Russell

SB 834-Sims, with SCS

SB 941-DePasco

SB 1071-Klindt, with SCS

Reported 2/26

SB 988-Caskey, with SCS

SBs 1086 & 1126-DePasco,

with SCS

SB 1004-Loudon, with SCA 1

SB 1106-Klarich, with SCS

SB 962-Wiggins

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS#2 for SB 650-Singleton,
with HCS

Requests to Recede or Grant Conference

HS for HCS for HBs 1037,
1188, 1074 & 1271-
Monaco & Hosmer, with
SCS (Klarich)
(House requests Senate
recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1028-Schneider

SR 1123-Jacob

To be Referred

SR 1122-Klindt

Reported from Committee

SR 1054-Singleton

Journal of the Senate

SECOND REGULAR SESSION

THIRTIETH DAY--THURSDAY, FEBRUARY 28, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"I lie down and sleep; I awake again, for the Lord sustains me." (Psalm 3:5)

Gracious Father, You have sustained us and we are grateful for the week of work we complete today. We pray, make us aware of the people You have placed in our lives who support and guide us as we continue to learn what is expected of us in the various relationships You have provided us. Keep us secure in Your love as we grow in wisdom and faith and seek to be in Your house of prayer this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Staples and Steelman, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1124

WHEREAS, Wilma Bedell Ball came into this world near Great Falls, Montana, on January 5, 1917, and enjoyed a safe and secure childhood provided by her parents who raised her on a farm located on the Current River between the Missouri towns of Van Buren and Doniphan; and

WHEREAS, Wilma received her education in a one-room school house in the Ozarks before graduating from Doniphan High School and embarking upon a new and exciting chapter in her life with her marriage to her beloved Jasper P. Bedell, with whom she shared the love and admiration of four wonderful sons, Allen, Richard, Don, and Tom; and

WHEREAS, Wilma taught at the one-room school house she had attended as a child from 1934 to 1937, and went on to distinguish herself as an educator in Louisiana where she served as an Elementary School Principal in Evangeline Parish from 1941 through 1949, and was honored as an Outstanding Lady - State of Louisiana and presided over Mardi Gras balls and parades in 1962; and

WHEREAS, Wilma earned distinction as the Executive Director and General Manager of the Southwest Louisiana Fair Association from 1949 to 1962 and entered the insurance business as a partner and manager of an agency in Eunice, Louisiana, in the 1950s, before returning to the Show-Me State following the death of her husband; and

WHEREAS, Wilma was fortunate to find true love once again when she married Kelly Ball, a kind and caring gentleman with whom she made her home in Poplar Bluff, Missouri, where she became a high school English teacher in 1967; and

WHEREAS, it wasn't until 1971 that Wilma became a Licensed Nursing Home Administrator, serving as Administrator for the Clark's Mountain Nursing Home in Piedmont, Missouri, from 1972 to 1985, and accepting the position of Administrator at Riverways Manor in Van Buren, Missouri; and

WHEREAS, a member of various civic, religious, and professional organizations, Wilma Ball continues to serve as the Administrator for Riverways Manor, a sixty-bed, skilled nursing facility where residents look to her for comfort and guidance and sincerely appreciate her genuine concern for them and their well-being:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in a thunderous round of applause for Wilma Ball, a remarkable woman of peace and kindness in this world whose tremendous energy and incredible zest for life continue to serve as an inspiration to all those who know and love her; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Wilma Bedell Ball of Poplar Bluff, Missouri.

Senator Gross offered Senate Resolution No. 1125, regarding John Walter Richardson, II, St. Charles, which was adopted.

Senator Klindt offered Senate Resolution No. 1126, regarding Carl Ricketts, Trenton, which was adopted.

CONCURRENT RESOLUTIONS

Senators Kennedy and Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 52

WHEREAS, Mexico has no nationwide automated system for monitoring the safety history or violation records of Mexican companies and drivers, or a system to verify drivers' licenses, or drug testing for drivers, and it is therefore difficult for Missouri law enforcement personnel to obtain essential safety data; and

WHEREAS, if trucks from Mexico are allowed access to the state of Missouri, verification of foreign insurance policies and access to foreign judicial systems will be very difficult when accidents occur, possibly resulting in the delay of settlements and payments to the injured citizens of this state; and

WHEREAS, Mexico does not have labeling of hazardous or toxic cargo which poses a clear and present danger to the security of the State of Missouri if trucks transporting such cargo enter territory of the state without prior inspection at the border of the United States; and

WHEREAS, large quantities of illegal drugs are smuggled into Missouri from foreign nations, including Mexico; and

WHEREAS, the State of Missouri is promoting a "Customs Harmonization Pilot Project" designed to expedite international cargo movement by eliminating inspections at border crossings because of the North American Free Trade Agreement; and

WHEREAS, the State of Missouri's "Customs Harmonization Pilot Project" threatens to expedite passage of trucks from Mexico into the United States without inspection, and therefore does not adequately address the concerns and safety needs of the citizens of the State of Missouri:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Governor to oppose any effort to allow trucks to enter the State of Missouri without first being inspected at the border of the United States and Mexico; and

BE IT FURTHER RESOLVED that the members of the General Assembly memorializes the Governor to restrict trucks from Mexico and other foreign nations from entering the State of Missouri until there is full compliance by the owners and drivers of those trucks with all highway safety, environmental and drug enforcement laws; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SRB 1236-By Rohrbach.

An Act to repeal sections 141.265, 142.027, 313.335, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law.

SB 1237-By Stoll.

An Act to amend chapter 160, RSMo, by adding thereto eleven new sections relating to science and mathematics education, with an expiration date for a certain section.

SB 1238-By Goode and Russell.

An Act to amend chapter 338, RSMo, by adding thereto ten new sections relating to a tax on licensed retail pharmacies in this state, with an emergency clause and an expiration date.

SB 1239-By Klindt.

An Act to amend chapter 43, RSMo, by adding thereto three new sections relating to a regional computer forensics lab.

SB 1240-By Steelman.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to reimbursement of nursing homes, with an effective date.

SB 1241-By Coleman and Bland.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 1242-By Gibbons.

An Act relating to maximum sales tax limits in municipalities and counties, with an effective date.

SB 1243-By Johnson.

An Act to repeal sections 419.010, 419.020, 419.030 and 419.040, RSMo, relating to lodging establishments, and to enact in lieu thereof four new sections relating to the same subject.

SB 1244-By Bland, Caskey, Wiggins and Jacob.

An Act to repeal section 191.925, RSMo, relating to the newborn hearing screening program, and to enact in lieu thereof one new section relating to the same subject.

SB 1245-By Jacob.

An Act to repeal sections 226.527, 226.540 and 226.585, RSMo, relating to highway beautification, and to enact in lieu thereof four new sections relating to the same subject.

SB 1246-By Yeckel.

An Act to repeal section 160.518, RSMo, relating to performance assessment for certain students, and to enact in lieu thereof one new section relating to the same subject.

SB 1247-By Quick.

An Act to amend chapter 87, RSMo, by adding thereto one new section relating to the division of certain pension benefits.

SJR 40-By Westfall.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 30(a), 30(b) and 30(c) of article IV of the Constitution of Missouri relating to transportation, and adopting three new sections in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 49**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Laura E. Hockensmith, as a student representative of the Board of Regents for Southeast Missouri State University;

Also,

Bartholomew M. "Bart" Saracino, Susan C. J. Rollins and Mary Elizabeth Nelson, as members of the St. Louis City Board of Police Commissioners;

Also,

Micah McKay, as a student representative of the Board of Governors for Truman State University;

Also,

Dorothy S. Fryer, M.D., as a member of the State Board of Registration for the Healing Arts.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1192--Aging, Families and Mental Health.

SB 1193--Judiciary.

SB 1194--Judiciary.

SB 1195--Civil and Criminal Jurisprudence.

SB 1196--Transportation.

SB 1197--Judiciary.

SB 1198--Ways and Means.

SB 1199--Transportation.

SB 1200--Transportation.

SB 1201--Commerce and Environment.

SB 1202--Transportation.

SB 1203--Ways and Means.

SB 1204--Insurance and Housing.

SB 1205--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1206--Education.

SB 1207--Public Health and Welfare.

REFERRALS

President Pro Tem Kinder referred **SR 1122** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 51**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 51, Page 375 of the Senate Journal for Tuesday, February 26, 2002, Column 2, Line 10 of said column, by inserting immediately after the word "fund" the following: "; **and**

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri State Auditor and the Missouri Veterans' Commission".

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 970, SB 968, SB 921, SB 867, SB 868 and SB 738**, with **SCS, SS for SCS, SS for SS for SCS**, and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

Senator Singleton moved that the above amendment be adopted.

Senator Staples requested a roll call vote be taken on the adoption of **SA 5** and was joined in his request by Senators Childers, Klindt, Stoll and Westfall.

SA 5 failed of adoption by the following vote:

	YEAS--Senators		
Loudon	Singleton	Yeckel--3	
	NAYS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins--30		
	Absent--Senator Kinder--1		
	Absent with leave--Senators--None		

Senator Childers offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 227.107, Line 12, by adding the following after the period on said line: "**The provisions of sections 290.210 to 290.340 shall not apply to any projects or contracts entered into pursuant to this section**".

Senator Childers moved that the above amendment be adopted.

Senator Staples requested a roll call vote be taken on the adoption of **SA 6** and was joined in his request by Senators Childers, Johnson, Steelman and Westfall.

At the request of Senator Westfall, **SB 970, SB 968, SB 921, SB 867, SB 868 and SB 738**, with **SCS, SS for SCS, SS**

for **SS** for **SCS**, and **SA 6** (pending), were placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271**: Senators Klarich, Singleton, Schneider, Caskey and Klindt.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1248-By Mathewson and Kenney.

An Act to repeal sections 30.260, 30.270, 142.824, 143.225, 143.261, 143.431, 143.451, 143.811, 144.190, 147.120, 148.074, 313.805, 313.820, 630.460, and 644.051, RSMo, and to enact in lieu thereof eighteen new sections for the sole purpose of establishing and funding the schools of the future fund, with an emergency clause.

SB 1249-By Mathewson.

An Act to repeal section 620.017, RSMo, relating to economic incentives, and to enact in lieu thereof one new section relating to the same subject.

SB 1250-By Yeckel.

An Act to repeal section 168.021, RSMo, relating to alternative certification for teachers, and to enact in lieu thereof two new sections relating to the same subject.

SB 1251-By Gibbons.

An Act to amend chapter 333, RSMo, by adding thereto one new section relating to liability of funeral directors and funeral establishments.

SB 1252-By Bland.

An Act to repeal sections 546.070 and 610.105, RSMo, relating to the criminal justice system, and to enact in lieu thereof twelve new sections relating to the same subject.

SB 1253-By Coleman.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 1254-By Steelman and Russell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SB 1255-By Steelman.

An Act to repeal sections 8.231, 8.250 and 34.057, RSMo, relating to public works contracts, and to enact in lieu

thereof four new sections relating to the same subject.

SB 1256-By Steelman.

An Act to repeal section 168.400, RSMo, and to enact in lieu thereof one new section relating to teacher assistants.

SB 1257-By Loudon.

An Act to repeal section 188.028, RSMo, relating to informed consent to an abortion, and to enact in lieu thereof one new section relating to the same subject.

SB 1258-By Loudon.

An Act to repeal section 28.160, RSMo, relating to fees charged by the state, and to enact in lieu thereof one new section relating to the same subject.

SB 1259-By Loudon.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a food recovery program.

SB 1260-By Loudon.

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof one new section relating to cafeteria plans for state employees.

SB 1261-By Dougherty, Coleman, Bland and Kennedy.

An Act to repeal section 701.308, RSMo, relating to lead abatement, and to enact in lieu thereof one new section relating to the same subject.

SB 1262-By Kenney.

An Act to amend chapter 324, RSMo, by adding thereto seventeen new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

SB 1263-By Kenney.

An Act to amend chapter 71, RSMo, by adding thereto ten new sections relating to political subdivisions providing cable television services.

SB 1264-By Kenney.

An Act to repeal sections 301.610, 301.620, 301.630, 301.640, 301.660, 301.661, 306.405, 306.410, 306.415, 306.420, 306.430, 306.440, 454.516, 700.355, 700.360, 700.365, 700.370, 700.380 and 700.390, RSMo, relating to motor vehicle titles, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

SB 1265-By Kenney.

An Act to repeal sections 407.926, 407.927, 407.928, 407.929, 407.931, 407.933 and 407.934, RSMo, and to enact in lieu thereof seven new sections relating to the sale of tobacco products to minors, with penalty provisions.

SB 1266-By Kenney.

An Act to repeal sections 149.015, 149.200, 149.203, 149.206, 149.212, 149.215 and 407.924, RSMo, relating to sale of cigarettes, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions and an emergency clause.

REPORTS OF STANDING COMMITTEES

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 892**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 910**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1104**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 954**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 3**.

HOUSE CONCURRENT RESOLUTION NO. 3

WHEREAS, the State of Missouri would like to have the two hundred five acres which were previously given to it by the city of Licking for the construction of a correctional center annexed into the city limits of Licking; and

WHEREAS, the city of Licking would also like to encompass such area; and

WHEREAS, section 71.012, RSMo, requires that for voluntary annexation all fee interest owners of property within a proposed area of annexation sign a verified petition requesting such annexation; and

WHEREAS, section 37.005, RSMo, vests the fee title of this state property in the Governor:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby authorize the Governor to approve the proposed annexation of the aforementioned two hundred five acres into the city of Licking; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Governor and the Board of Aldermen of the city of Licking, Missouri.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HS** for **HCR 15**.

HOUSE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 15

WHEREAS, following the recent collapse of Enron, many people believe it is time to revise corporate governance policies and focus on employer practices with company stock in their retirement plans; and

WHEREAS, currently many employees are required to invest in their company's defined contribution retirement savings program, without the option of receiving benefits in any form other than the company's stock; and

WHEREAS, the lack of diversification in employee retirement savings programs leaves many employees extremely vulnerable, as evidenced by the many Enron employees with only company stock in their retirement savings plan, resulting in a complete loss all of their retirement savings following the collapse of Enron; and

WHEREAS, unless tougher corporate governance policies are put in place soon, many other companies may experience a similar devaluation of their assets in the current falling economy; and

WHEREAS, the "Employee Retirement Savings Bill of Rights", H.R. 3669, has been introduced in the 107th Congress and would allow workers to transfer matching employer contributions from company stock and to pay for retirement advice and counseling on a pretax basis through payroll deduction; and

WHEREAS, H.R. 3669 amends the Internal Revenue Code of 1986 to:

- (1) Impose an excise tax on a pension plan failing to provide notice of generally accepted investment principles, including principles of risk management and diversification;
- (2) Impose an excise tax on a pension plan failing to provide notice of any transaction restriction period to each applicable individual to whom the transaction restriction period applies; and
- (3) Set forth diversification requirements for plans, including requiring the provision of at least three investment options, other than employer securities, in amounts equivalent to the amounts invested in employer securities:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, urge Congress to enact H.R. 3669, the "Employee Retirement Savings Bill of Rights" which amends the Internal Revenue Code of 1986 to empower employees to control their retirement savings accounts through new diversification rights, new disclosure requirements, and new tax incentives for retirement education; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1150, 1237** and **1327**, entitled:

An Act to amend chapter 32, RSMo, by adding thereto three new sections relating to assessment and collection procedures of the department of revenue, with an emergency clause for certain sections.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074**

and **1271**. Representatives: Hosmer, Monaco, Clayton, Crowell and Richardson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1711**, entitled:

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state school aid, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 1127, regarding Reverend Fred J. Barnett, Laurie, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Mayor Lucy Henson and Anita Ivey, Richland.

Senator Singleton introduced to the Senate, students from Triway Elementary School and Granby Elementary School, Newton County.

Senator Steelman introduced to the Senate, Don Wells, Cabool.

Senator Kenney introduced to the Senate, Karen, Kathleen and Zachary Levy, St. Louis; and

Kathleen and Zachary were made honorary pages.

Senator Sims introduced to the Senate, Jim Braibish, St. Louis.

Senator Johnson introduced to the Senate, Larry, Lori and Ethan Sickman, Platte County; and Ethan was made an honorary page.

Senator Steelman introduced to the Senate, Dawn Crater, and 30 fifth, sixth and seventh grade students, parents and teachers from Immaculate Conception School, Loose Creek.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Joel Johnson, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 10:00 a.m., Friday, March 1, 2002.

SENATE CALENDAR

THIRTY-FIRST DAY-FRIDAY, MARCH 1, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1208-Dougherty

SB 1209-Goode and Sims

SB 1210-Johnson

SB 1211-Coleman

SB 1212-Mathewson

SB 1213-Mathewson

SB 1214-Westfall

SB 1215-Bland, et al

SB 1216-Bland

SB 1217-Coleman

SB 1218-Coleman

SB 1219-Singleton

SB 1220-Sims

SB 1221-Stoll and Rohrbach

SB 1222-Jacob

SB 1223-Jacob

SB 1224-Coleman

SB 1225-Bentley

SB 1226-Kennedy

SB 1227-Rohrbach

SB 1228-Sims

SB 1229-Gibbons

SB 1230-Gibbons

SB 1231-Gibbons

SB 1232-Singleton

SB 1233-Yeckel

SB 1234-Bland and Coleman

SB 1235-Bland and Coleman

SRB 1236-Rohrbach

SB 1237-Stoll

SB 1238-Goode and Russell

SB 1239-Klindt

SB 1240-Steelman

SB 1241-Coleman and Bland

SB 1242-Gibbons

SB 1243-Johnson

SB 1244-Bland, et al

SB 1245-Jacob

SB 1246-Yeckel

SB 1247-Quick

SB 1248-Mathewson and

Kenney

SB 1249-Mathewson

SB 1250-Yeckel

SB 1251-Gibbons

SB 1252-Bland

SB 1253-Coleman

SB 1254-Steelman and Russell

SB 1255-Steelman

SB 1256-Steelman

SB 1257-Loudon

SB 1258-Loudon

SB 1259-Loudon

SB 1260-Loudon

SB 1261-Dougherty, et al

SB 1262-Kenney

SB 1263-Kenney

SB 1264-Kenney

SB 1265-Kenney

SB 1266-Kenney

SJR 38-Cauthorn and Steelman

SJR 39-Gross and House

SJR 40-Westfall

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,

et al, with SCS

2. SBs 721, 757, 818 &

930-Westfall, with SCS

3. SB 665-Kenney

4. SB 836-Gross and

Dougherty, with SCS

5. SB 840-Gross and

Russell, with SCS

6. SB 740-Wiggins

7. SB 687-Gibbons and
Yeckel
8. SB 959-Kenney and
Kinder, with SCS
9. SBs 817, 978 & 700-
Gross, with SCS
10. SBs 837, 866, 972 &
990-Cauthorn, with SCS
11. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
12. SBs 894, 975 & 927-
Kinder, with SCS
13. SBs 670 & 684-Sims, with SCS
14. SB 1005-Loudon
15. SBs 741, 929 & 871-
Wiggins, with SCS
16. SBs 1061 & 1062-Rohrbach and
Kenney, with SCS
17. SBs 843 & 658-Stoll, with SCS
18. SB 647-Goode, with SCS
19. SBs 969, 673 & 855-
Westfall and
Bentley, with SCS
20. SB 1059-Bentley, et al,
with SCS
21. SB 1052-Sims, with SCS

22. SB 884-DePasco and
Kenney, with SCS
23. SBs 984 & 985-
Steelman, with SCS
24. SB 1046-Gross and
House, with SCS
25. SB 1103-Westfall, et al
26. SBs 915, 710 & 907-
Westfall, et al, with SCS
27. SBs 923, 828, 876, 694
& 736-Sims, with SCS
28. SB 676-Yeckel, et al,
with SCS
29. SB 900-Goode, et al,
with SCS
30. SB 1107-Childers,
with SCS
31. SB 912-Mathewson,
with SCS
32. SB 892-Kenney, with SCS
33. SB 910-Gibbons
34. SB 1104-Mathewson
35. SB 954-Loudon, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 675-Yeckel, et al, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder, with

SCS

SBs 970, 968, 921, 867, 868 &

738-Westfall, et al, with SCS,

SS for SCS, SS for SS for SCS

& SA 6 (pending)

SJR 23-Singleton, with SS, SA 1

& SSA 1 for SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/18

SB 642-Russell, with SCS

Reported 2/19

SB 1011-Caskey

SB 786-Goode

SB 1015-Foster and

Mathewson, with SCS

Reported 2/25

SB 714-Singleton

SB 1024-Bentley, with SCS

SB 976-Steelman, et al

SB 967-Kennedy, et al,

with SCS

SB 950-Gibbons and Klarich

SB 960-Kenney, et al,

with SCS

SB 966-Kennedy, with SCS

SB 916-Dougherty, et al,

with SCS

SB 1094-Russell

SB 834-Sims, with SCS

SB 941-DePasco

SB 1071-Klindt, with SCS

Reported 2/26

SB 988-Caskey, with SCS

SBs 1086 & 1126-DePasco,

with SCS

SB 1004-Loudon, with SCA 1

SB 1106-Klarich, with SCS

SB 962-Wiggins

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SB 650-Singleton,
with HCS

HS for HCS for HBs 1037,
1188, 1074 & 1271-Monaco
& Hosmer, with SCS (Klarich)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1028-Schneider

SR 1123-Jacob

To be Referred

SCR 52-Kennedy and
Steelman

HCR 3-Hampton

HCR 15-O'Toole, et al

Reported from Committee

SR 1054-Singleton

SCR 49-Rohrbach

SCR 51-Mathewson and

Yeckel, with SCA 1

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY--FRIDAY, MARCH 1, 2002

The Senate met pursuant to adjournment.

Senator Rohrbach in the Chair.

RESOLUTIONS

On behalf of Senator Kinder, Senator Rohrbach offered Senate Resolution No. 1128, regarding the Twenty-fifth Anniversary of Calvary Temple Church, Fredericktown, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1267-By Westfall.

An Act to repeal section 70.300, RSMo, and to enact in lieu thereof one new section relating to the filing of written contracts where one of the parties is a political subdivision.

SB 1268-By Westfall.

An Act to repeal sections 301.020, 301.080, 301.132, 301.142, 301.190, 301.215, 301.300, 301.340, 301.370, 301.564, 301.711 and 301.800, RSMo, and section 301.064 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, relating to motor vehicle registration procedures, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

SB 1269-By Cauthorn.

An Act to repeal sections 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892 and 407.893, RSMo, and to enact in lieu thereof three new sections relating to merchantizing practices.

SB 1270-By Klindt.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a highway.

SB 1271-By Klindt.

An Act to repeal section 108.170, RSMo, relating to the public sale of bonds, notes, and other evidences of indebtedness, and to enact in lieu thereof one new section relating to the same subject.

SB 1272-By Klindt.

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to fuels offered for sale.

SB 1273-By Goode.

An Act to amend chapter 393, RSMo, by adding thereto two new sections relating to water corporations.

SB 1274-By Gibbons.

An Act to repeal sections 137.073, 137.115, 138.060 and 138.100, RSMo, and to enact in lieu thereof four new sections relating to property tax rates, property assessment and procedures for assessment.

SB 1275-By Gibbons.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to property tax rates and the effect of reassessment on taxpayers.

SB 1276-By Gibbons.

An Act to repeal section 162.431, RSMo, relating to boundary changes for certain school districts, and to enact in lieu thereof one new section relating to the same subject.

SB 1277-By Caskey.

An Act to repeal section 104.800, RSMo, relating to certain retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

SB 1278-By Bland.

An Act to repeal section 557.035, RSMo, relating to hate crimes, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 1279-By Kinder and Wiggins.

An Act to repeal sections 99.845 and 172.273, RSMo, and to enact in lieu thereof forty-seven new sections relating to community development, with a termination date for a certain section.

SB 1280-By Rohrbach.

An Act to repeal sections 44.010 and 44.100, RSMo, relating to state emergency health powers, and to enact in lieu thereof two new sections relating to the same subject.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1398**, entitled:

An Act to repeal sections 42.170 and 42.175, RSMo, and to enact in lieu thereof two new sections relating to World War II medals, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HS** for **HB 1498**, entitled:

An act to amend chapters 565 and 566, RSMo, by adding thereto three new sections relating to sexual offenses against inmates and residents in skilled nursing facilities and Alzheimer's special units or programs, and bestiality, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1432**, entitled:

An Act to amend chapter 650, RSMo, by adding thereto eight new sections relating to emergency communications system districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rohrbach, the Senate adjourned until 4:00 p.m., Monday, March 4, 2002.

SENATE CALENDAR

THIRTY-SECOND DAY-MONDAY, MARCH 4, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1208-Dougherty

SB 1209-Goode and Sims

SB 1210-Johnson

SB 1211-Coleman

SB 1212-Mathewson

SB 1213-Mathewson

SB 1214-Westfall

SB 1215-Bland, et al

SB 1216-Bland

SB 1217-Coleman

SB 1218-Coleman

SB 1219-Singleton

SB 1220-Sims

SB 1221-Stoll and Rohrbach

SB 1222-Jacob

SB 1223-Jacob

SB 1224-Coleman

SB 1225-Bentley

SB 1226-Kennedy

SB 1227-Rohrbach

SB 1228-Sims

SB 1229-Gibbons

SB 1230-Gibbons

SB 1231-Gibbons

SB 1232-Singleton

SB 1233-Yeckel

SB 1234-Bland and Coleman

SB 1235-Bland and Coleman

SRB 1236-Rohrbach

SB 1237-Stoll

SB 1238-Goode and Russell

SB 1239-Klindt

SB 1240-Steelman

SB 1241-Coleman and Bland

SB 1242-Gibbons

SB 1243-Johnson

SB 1244-Bland, et al

SB 1245-Jacob

SB 1246-Yeckel

SB 1247-Quick

SB 1248-Mathewson and Kenney

SB 1249-Mathewson

SB 1250-Yeckel

SB 1251-Gibbons

SB 1252-Bland

SB 1253-Coleman

SB 1254-Steelman and Russell

SB 1255-Steelman

SB 1256-Steelman

SB 1257-Loudon

SB 1258-Loudon

SB 1259-Loudon

SB 1260-Loudon

SB 1261-Dougherty, et al

SB 1262-Kenney

SB 1263-Kenney

SB 1264-Kenney

SB 1265-Kenney

SB 1266-Kenney

SB 1267-Westfall

SB 1268-Westfall

SB 1269-Cauthorn

SB 1270-Klindt

SB 1271-Klindt

SB 1272-Klindt

SB 1273-Goode

SB 1274-Gibbons

SB 1275-Gibbons

SB 1276-Gibbons

SB 1277-Caskey

SB 1278-Bland

SB 1279-Kinder and Wiggins

SB 1280-Rohrbach

SJR 38-Cauthorn and Steelman

SJR 39-Gross and House

SJR 40-Westfall

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,
et al, with SCS
2. SBs 721, 757, 818 &
930-Westfall, with SCS
3. SB 665-Kenney
4. SB 836-Gross and
Dougherty, with SCS
5. SB 840-Gross and
Russell, with SCS
6. SB 740-Wiggins
7. SB 687-Gibbons and
Yeckel
8. SB 959-Kenney and
Kinder, with SCS
9. SBs 817, 978 & 700-
Gross, with SCS
10. SBs 837, 866, 972 &
990-Cauthorn, with SCS
11. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
12. SBs 894, 975 & 927-
Kinder, with SCS
13. SBs 670 & 684-Sims,
with SCS
14. SB 1005-Loudon
15. SBs 741, 929 & 871-
Wiggins, with SCS
16. SBs 1061 & 1062-Rohrbach

- and Kenney, with SCS
17. SBs 843 & 658-Stoll,
with SCS
18. SB 647-Goode, with SCS
19. SBs 969, 673 & 855-
Westfall and
Bentley, with SCS
20. SB 1059-Bentley, et al,
with SCS
21. SB 1052-Sims, with SCS
22. SB 884-DePasco and
Kenney, with SCS
23. SBs 984 & 985-
Steelman, with SCS
24. SB 1046-Gross and
House, with SCS
25. SB 1103-Westfall, et al
26. SBs 915, 710 & 907-
Westfall, et al, with SCS
27. SBs 923, 828, 876, 694
& 736-Sims, with SCS
28. SB 676-Yeckel, et al,
with SCS
29. SB 900-Goode, et al,
with SCS
30. SB 1107-Childers,
with SCS
31. SB 912-Mathewson,

with SCS

32. SB 892-Kenney, with SCS

33. SB 910-Gibbons

34. SB 1104-Mathewson

35. SB 954-Loudon, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 675-Yeckel, et al, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder,

with SCS

SBs 970, 968, 921, 867,
868 & 738-Westfall, et
al, with SCS, SS for
SCS, SS for SS for SCS
& SA 6 (pending)

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/18

SB 642-Russell, with SCS

Reported 2/19

SB 1011-Caskey

SB 786-Goode

SB 1015-Foster and

Mathewson, with SCS

Reported 2/25

SB 714-Singleton

SB 1024-Bentley, with SCS

SB 976-Steelman, et al

SB 967-Kennedy, et al, with SCS

SB 950-Gibbons and Klarich

SB 960-Kenney, et al, with SCS

SB 966-Kennedy, with SCS

SB 916-Dougherty, et al, with SCS

SB 1094-Russell

SB 834-Sims, with SCS

SB 941-DePasco

SB 1071-Klindt, with SCS

Reported 2/26

SB 988-Caskey, with SCS

SBs 1086 & 1126-DePasco, with SCS

SB 1004-Loudon, with SCA 1

SB 1106-Klarich, with SCS

SB 962-Wiggins

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SB 650-Singleton,
with HCS

HS for HCS for HBs 1037,
1188, 1074 & 1271-Monaco
& Hosmer, with SCS (Klarich)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

SR 1123-Jacob

To be Referred

SCR 52-Kennedy and

Steelman

HCR 3-Hampton

HS for HCR 15-O'Toole, et al

Reported from Committee

SR 1054-Singleton

SCR 49-Rohrbach

SCR 51-Mathewson and

Yeckel, with SCA 1

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SECOND DAY--MONDAY, MARCH 4, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"So we have known and believe the love that God has for us. God is love, and those who abide in love abide in God." (1 John 4:16)

Gracious and loving Lord, we thank You for Your abiding presence in our lives, for watching over us and bringing us safely here to resume our work. We thank You for the love You have shown us and permit us to share with others, for it brings joy to our hearts and smiles on our lips. We thank You for Your Spirit that gives us guidance as we discern difficult and complex issues facing us. Continue to bless us and dwell in our hearts so we may better serve You and the people of this state. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, February 28, 2002, and Friday, March 1, 2002, were read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Bland offered Senate Resolution No. 1129, regarding the late Lloyd Lionel Gaines, which was adopted.

Senator Bland offered Senate Resolution No. 1130, regarding the late Marian O'Fallon Oldham, which was adopted.

Senator Wiggins offered Senate Resolution No. 1131, regarding the death of Dorothy Meagher, Overland Park, Kansas, which was adopted.

Senator Gross offered Senate Resolution No. 1132, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Jerome Van Booven, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1133, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Hamill, St. Peters, which was adopted.

Senator Gibbons offered Senate Resolution No. 1134, regarding Meredith Albers, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 1135, regarding Brad David Rigdon, Fulton, which was adopted.

Senator Steelman offered Senate Resolution No. 1136, regarding Aaron Joseph Rigdon, Fulton, which was adopted.

Senator Klarich offered Senate Resolution No. 1137, regarding Rockwood Valley Middle School, Wildwood, which was adopted.

Senator Wiggins offered Senate Resolution No. 1138, regarding the death of Lucy G. Dierks, Kansas City, which was adopted.

Senator Klarich offered Senate Resolution No. 1139, regarding the death of Mr. Jeffrey Clinton, St. Louis, which was adopted.

Senator Russell offered Senate Resolution No. 1140, regarding Corrections Officer I Daniel Jones, St. Robert, which was adopted.

Senator Russell offered Senate Resolution No. 1141, regarding Corrections Officer II James Rowland, Crocker, which was adopted.

CONCURRENT RESOLUTIONS

Senator Cauthorn offered the following con-current resolution:

SENATE CONCURRENT RESOLUTION NO. 53

WHEREAS, the state's child abuse and neglect hotline and investigation system pursuant to chapter 210, RSMo, was established to promote the safety of children and the integrity and preservation of their families through the conducting of investigations or family assessments and by providing services in response to reports of child abuse or neglect; and

WHEREAS, while the child abuse and neglect hotline system has been in place for many years, the general assembly has not made a comprehensive analysis of the system since its inception; and

WHEREAS, to ensure that the child abuse and neglect hotline system is in actuality promoting the safety of children, preserving families, and providing adequate services in response to reports of child abuse or neglect, a comprehensive analysis of the system should be made:

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that a Joint Committee of the General Assembly be created to be composed of five members of the House of Representatives, with three members to be appointed by the Speaker of the House of Representatives and two members appointed by the Minority Floor Leader of the House of Representatives, and five members of the Senate, with three members appointed by the President Pro Tem of the Senate and two members appointed by the Minority Floor Leader of the Senate. Members of the committee shall be appointed within five legislative days of the enactment of this resolution and said committee shall be authorized to function immediately upon the formation of said committee; and

BE IT FURTHER RESOLVED that said committee make a comprehensive analysis of the child abuse and neglect hotline system established in chapter 210, RSMo, including the solicitation of information from appropriate state agencies, juvenile officers, law enforcement, and the public regarding the efficiency and effectiveness of the system, possible abuses in the system, complaints and grievances from persons affected by the system, and any recommendations for improvement of such system; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of House Research, Senate Research, and the Committee on Legislative Research provide such legal, research, clerical, technical and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2003, and the authority of such committee shall terminate on December 31, 2002.

THIRD READING OF SENATE BILLS

SB 642, with **SCS**, introduced by Senator Russell, entitled:

An Act to repeal sections 191.226 and 191.659, RSMo, relating to testing for certain diseases, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 642**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 642

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to testing for certain diseases.

Was taken up.

Senator Russell moved that **SCS** for **SB 642** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 642** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Jacob--3
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Absent with leave--Senator Schneider--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1011, introduced by Senator Caskey, entitled:

An Act to repeal section 260.270, RSMo, and to enact in lieu thereof one new section relating to waste tires, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 1011** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman--2		
Absent with leave--Senator Schneider-- 1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 786, introduced by Senator Goode, entitled:

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the licensing of architects and engineers.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 786** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Coleman-- 1			
Absent with leave--Senator Schneider-- 1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Jacob moved that **SR 1123** be taken up for adoption, which motion prevailed.

On motion of Senator Jacob, **SR 1123** was adopted.

PRIVILEGED MOTIONS

Senator Singleton, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SS No. 2 for SB 650**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 650

The Conference Committee appointed on House Committee Substitute for Senate Substitute #2 for Senate Bill No. 650 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute #2 for Senate Bill No. 650;
2. That the Senate recede from its position on Senate Substitute #2 for Senate Bill No. 650;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute #2 for Senate Bill No. 650, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Marvin Singleton
/s/ David J. Klarich
/s/ David G. Klindt
/s/ Ted House
/s/ Harold Caskey

FOR THE HOUSE:

/s/ Ralph A. Monaco
/s/ W. Craig Hosmer
/s/ Robert M. Clayton
/s/ Jason G. Crowell
/s/ Mark C. Richardson

Senator Singleton moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Schneider--1		
	Absent--Senators		
Coleman	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Singleton, **CCS** for **HCS** for **SS No. 2** for **SB 650**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 650

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for sexual offenses, with penalty provisions and an emergency clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Schneider--1		
	Absent--Senators		
Coleman	Gross	Quick--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall

Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Quick	Staples--4
	Absent with leave--Senators--None		

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Rohrbach assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 675**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 675**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 675

An Act to repeal sections 28.160, 115.013, 115.027, 115.063, 115.077, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.133, 115.135, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613 and 115.637, RSMo, relating to elections, and to enact in lieu thereof fifty-seven new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 675** be adopted.

Senator Yeckel offered **SS** for **SCS** for **SB 675**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 675

An Act to repeal sections 28.160, 115.013, 115.027, 115.063, 115.077, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.133, 115.135, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613 and 115.637, RSMo, relating to elections, and to enact in lieu thereof fifty-eight new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Senator Yeckel moved that **SS** for **SCS** for **SB 675** be adopted.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 61, Section 115.427, Line 2 of said page, by inserting at the end of said line the following: "**Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Singleton assumed the Chair.

President Maxwell assumed the Chair.

Senator Stoll offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 15, Section 115.085, Lines 8-10, by deleting the opening and closing brackets and underlined type appearing on said lines.

Senator Stoll moved that the above amendment be adopted.

At the request of Senator Stoll, **SA 2** was withdrawn.

Senator Caskey offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 78, Section 115.647, Lines 9-10, by deleting all of said section; and further amend title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken and was joined in his request by Senators Kennedy, Quick, Stoll and Wiggins.

SA 3 was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Coleman	DePasco
Dougherty	Goode	House	Jacob
Johnson	Kennedy	Kinder	Klarich
Mathewson	Quick	Sims	Staples
Steelman	Stoll	Westfall	Wiggins--20
NAYS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Klindt
Loudon	Rohrbach	Russell	Singleton
Yeckel--13			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

At the request of Senator Yeckel, **SB 675**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1477**, entitled:

An Act to repeal sections 360.106, 360.111, 360.112, 360.113, 360.114, 360.116, and 360.118, RSMo, and to enact in lieu thereof seven new sections relating to the Missouri health and educational facilities act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1668**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Emergency Personnel Appreciation Day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1446**, entitled:

An Act to repeal section 376.1350, RSMo, and to enact in lieu thereof one new section relating to exclusions from certain insurance definitions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1078**, entitled:

An Act to amend chapter 221, RSMo, by adding thereto one new section authorizing a sales tax for regional jail districts and associated court facilities, with an expiration date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS No. 2** for **SB 650** and has taken up and passed **CCS** for **HCS** for **SS No. 2** for **SB 650**.

Emergency clause adopted.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1037, 1188, 1074 and 1271

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1037, 1188, 1074 and 1271 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1037, 1188, 1074 and 1271;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bills Nos. 1037, 1188, 1074 and 1271;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1037, 1188, 1074 and 1271, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Marvin Singleton

/s/ David J. Klarich

/s/ David G. Klindt

John Schneider

/s/ Harold Caskey

FOR THE HOUSE:

/s/ Ralph Monaco

/s/ W. Craig Hosmer

/s/ Robert M. Clayton

/s/ Jason G. Crowell

/s/ Mark C. Richardson

Senator Klarich moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Quick	Schneider--2		
	Absent with leave--Senators--None		

On motion of Senator Klarich, **CCS** for **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILLS NOS. 1037, 1188, 1074 and 1271

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for sexual offenses, with penalty provisions and an emergency clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Quick	Schneider	Sims--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Gross	House

Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Goode	Quick	Schneider	Sims
Staples--5			

Absent with leave--Senators--None

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 1140**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1151**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 794**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 1050**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 859**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 821**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 1012**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1012, Page 3, Section 8.231, Line 62, by striking the words "ten-year" and inserting in lieu thereof the following: "**twelve-year**"; and further amend line 71, by striking the word "twenty" and inserting in lieu thereof the word "**twelve**".

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1102**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 680**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 980**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 1127**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1208--Transportation.

SB 1209--Commerce and Environment.

SB 1210--Local Government and Economic Development.

SB 1211--Judiciary.

SB 1212--Education.

SB 1213--Civil and Criminal Jurisprudence.

SB 1214--Agriculture, Conservation, Parks and Tourism.

SB 1215--Insurance and Housing.

SB 1216--Transportation.

SB 1217--Ways and Means.

SB 1218--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1219--Pensions and General Laws.

SB 1220--Pensions and General Laws.

SB 1221--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1222--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

SB 1223--Pensions and General Laws.

SB 1224--Aging, Families and Mental Health.

SB 1225--Ways and Means.

SB 1226--Public Health and Welfare.

SB 1227--Insurance and Housing.

SB 1228--Insurance and Housing.

SB 1229--Education.

SB 1230--Public Health and Welfare.

SB 1231--Ways and Means.

SB 1232--Transportation.

SB 1233--Education.

SB 1234--Commerce and Environment.

SB 1235--Commerce and Environment.

SB 1237--Education.

REFERRALS

President Pro Tem Kinder referred **SCR 52**; **HCR 3**; and **HS** for **HCR 15** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James B. Chappell, Republican, 15 Northwest 44th Street, Kansas City, Clay County, Missouri 64116, as a member of the Board of Election Commissioners for Clay County, for a term ending June 15, 2003, and until his successor is duly appointed and qualified; vice, Arnold Day, Jr., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gerald L. Randall, Democrat, 7722 Northeast 51st, Kansas City, Clay County, Missouri 64119, as a member of the Board of Election Commissioners for Clay County, for a term ending June 15, 2003, and until his successor is duly appointed and qualified; vice, Phyllis J. Griggs, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James B. Callis, Republican, 615 West Broadway Boulevard, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 217.900.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy M. Gresham, Democrat, 1315 East Street, Parkville, Platte County, Missouri 64152, as a member of the Board of Election Commissioners for Platte County, for a term ending January 11, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Promod Kumar, 830 Nykiel Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors, for a term ending December 13, 2005, and until his successor is duly appointed and qualified; vice, Donald L. Hiatte, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathleen A. Mahfood, Democrat, 7311 North Shore Drive, Hartsburg, Boone County, Missouri 65039, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2005, and until her successor is duly appointed and qualified; vice, RSMo. 217.900.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dianne L. Priest, 7681 East Sunnyvale Drive, Columbia, Boone County, Missouri 65201, as a member of the Seismic Safety Commission, for a term ending August 11, 2004, and until her successor is duly appointed and qualified; vice, Marilyn A. Roberts, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sarah L. Riddick, Democrat, 602 Rollins Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 217.900.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph A. Swarts, Republican, 6735 Tower Drive, Kansas City, Platte County, Missouri 64151, as a member of the Board of Election Commissioners for Platte County, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Clem Krieg, Jefferson City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-THIRD DAY-TUESDAY, MARCH 5, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1236-Rohrbach

SB 1238-Goode and Russell

SB 1239-Klindt

SB 1240-Steelman

SB 1241-Coleman and Bland

SB 1242-Gibbons

SB 1243-Johnson

SB 1244-Bland, et al

SB 1245-Jacob

SB 1246-Yeckel

SB 1247-Quick

SB 1248-Mathewson and

Kenney

SB 1249-Mathewson

SB 1250-Yeckel

SB 1251-Gibbons

SB 1252-Bland

SB 1253-Coleman

SB 1254-Steelman and Russell

SB 1255-Steelman

SB 1256-Steelman

SB 1257-Loudon

SB 1258-Loudon

SB 1259-Loudon

SB 1260-Loudon

SB 1261-Dougherty, et al

SB 1262-Kenney

SB 1263-Kenney

SB 1264-Kenney

SB 1265-Kenney

SB 1266-Kenney

SB 1267-Westfall

SB 1268-Westfall

SB 1269-Cauthorn

SB 1270-Klindt

SB 1271-Klindt

SB 1272-Klindt

SB 1273-Goode

SB 1274-Gibbons

SB 1275-Gibbons

SB 1276-Gibbons

SB 1277-Caskey

SB 1278-Bland

SB 1279-Kinder and Wiggins

SB 1280-Rohrbach

SJR 38-Cauthorn and Steelman

SJR 39-Gross and House

SJR 40-Westfall

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,

et al, with SCS

2. SBs 721, 757, 818 &

930-Westfall, with SCS

3. SB 665-Kenney

4. SB 836-Gross and

Dougherty, with SCS

5. SB 840-Gross and

Russell, with SCS

6. SB 740-Wiggins

7. SB 687-Gibbons and Yeckel

8. SB 959-Kenney and

Kinder, with SCS

9. SBs 817, 978 & 700-

Gross, with SCS

10. SBs 837, 866, 972 &

990-Cauthorn, with SCS

11. SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS

12. SBs 894, 975 & 927-

Kinder, with SCS

13. SBs 670 & 684-Sims,
with SCS

14. SB 1005-Loudon

15. SBs 741, 929 & 871-
Wiggins, with SCS

16. SBs 1061 & 1062-Rohrbach
and Kenney, with SCS

17. SBs 843 & 658-Stoll,
with SCS

18. SB 647-Goode, with SCS

19. SBs 969, 673 & 855-
Westfall and Bentley, with SCS

20. SB 1059-Bentley, et al,
with SCS

21. SB 1052-Sims, with SCS

22. SB 884-DePasco and
Kenney, with SCS

23. SBs 984 & 985-
Steelman, with SCS

24. SB 1046-Gross and
House, with SCS

25. SB 1103-Westfall, et al

26. SBs 915, 710 & 907-
Westfall, et al, with SCS

27. SBs 923, 828, 876, 694
& 736-Sims, with SCS

28. SB 676-Yeckel, et al,

with SCS

29. SB 900-Goode, et al,

with SCS

30. SB 1107-Childers, with

SCS

31. SB 912-Mathewson,

with SCS

32. SB 892-Kenney, with SCS

33. SB 910-Gibbons

34. SB 1104-Mathewson

35. SB 954-Loudon, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 675-Yeckel, et al,

with SCS & SS for SCS (pending)

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)
SBs 958 & 657-Kinder,
with SCS
SBs 970, 968, 921, 867, 868
& 738-Westfall, et al, with
SCS, SS for SCS, SS for SS
for SCS & SA 6 (pending)
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/19

SB 1015-Foster and
Mathewson, with SCS

Reported 2/25

SB 714-Singleton

SB 1024-Bentley, with SCS

SB 976-Steelman, et al

SB 967-Kennedy, et al,

with SCS

SB 950-Gibbons and Klarich

SB 960-Kenney, et al, with

SCS

SB 966-Kennedy, with SCS

SB 916-Dougherty, et al,

with SCS

SB 1094-Russell

SB 834-Sims, with SCS

SB 941-DePasco

SB 1071-Klindt, with SCS

Reported 2/26

SB 988-Caskey, with SCS

SBs 1086 & 1126-DePasco,

with SCS

SB 1004-Loudon, with SCA 1

SB 1106-Klarich, with SCS

SB 962-Wiggins

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell

Reported 3/4

SB 1140-Rohrbach

SB 1151-Kinder, with SCS

SB 794-Bland

SB 1050-Foster

SB 859-Russell

SB 821-Dougherty and

Gross, with SCS

SB 1012-Caskey, with SCA 1

SB 1102-Westfall

SB 680-Bland

SB 980-Singleton and

Schneider, with SCS

SB 1127-Johnson, et al,

with SCS RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

To be Referred

SCR 53-Cauthorn

Reported from Committee

SR 1054-Singleton

SCR 49-Rohrbach

SCR 51-Mathewson and
Yeckel, with SCA 1

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-THIRD DAY--TUESDAY, MARCH 5, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"You have given him his heart's desire." (Psalm 21:2a)

Oh God, it is good to know that You are a God that hears and answers prayer. In our silence when words refuse to come, You are aware of the deep rumblings of our soul and the concerns of our hearts. You comfort us and in our joy lift us up! When we bring our petitions before You and You respond, blessing us and encouraging us so we may know the joys of Your heart by the peace and comfort of Your loving presence. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1142

WHEREAS, the Missouri Senate is fully cognizant of the important role which the Boy Scouts of America organization plays in offering a well-rounded program of activities designed to prepare young men for the many diverse challenges of responsible citizenship; and

WHEREAS, James Taylor of Neosho, Missouri, has been privileged to participate in such activities as a loyal, diligent, and industrious member of Troop 34, which will bestow upon him the rank of Eagle Scout during appropriate ceremonies on March 9, 2002, at United Methodist Church; and

WHEREAS, James culminated twelve years of Scouting endeavor with the successful completion of his required Eagle project that took him many hours to plan, organize, and carry out for the overall benefit of others by designing a four season floor garden and placing a memorial stone in honor of Gene Taylor at the Neosho Fish Hatchery; and

WHEREAS, the son of Jim and Susan Taylor, James always took the time and continually put forth the energy to perform his duties in the most efficient and effective manner possible and truly excelled while assuming responsibility as Senior Patrol Leader and Assistant Senior Patrol Leader; and

WHEREAS, James has ample reason to be exceedingly proud of his other impressive achievements which include earning approximately twenty-six merit badges, going on various High Adventure trips, and providing assistance to the victim of a automobile accident; and

WHEREAS, it is only with the commitment, ability, and enthusiasm of such young Missourians as James Taylor that America can continue to maintain respect as the greatest nation in the world:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously in conveying to James Taylor a message of appreciation for his steadfast determination to succeed in Scouts, in congratulating him as he attains the rank of Eagle, and in wishing him only the best for his plans to earn a business degree at Crowder College and auto mechanic skills at a technical school; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Eagle Scout James Taylor.

THIRD READING OF SENATE BILLS

SB 1015, with **SCS**, introduced by Senators Foster and Mathewson, entitled:

An Act to repeal section 253.080 and 253.082, RSMo, relating to state parks, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Foster.

SCS for **SB 1015**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1015

An Act to repeal section 253.080 and 253.082, RSMo, relating to state parks, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Foster moved that **SCS** for **SB 1015** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 1015** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			

Bentley	Bland	Coleman	DePasco
Jacob	Quick	Westfall--7	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 714, introduced by Senator Singleton, entitled:

An Act to repeal section 190.500, RSMo, relating to the declaration of a state public health emergency, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Singleton, **SB 714** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Dougherty
Foster	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Coleman	DePasco
Gibbons	Jacob	Quick--7	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 675**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 675**, as amended, was again taken up.

Senator Gibbons offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 16, Section 115.085, Line 1, by adding at the end of said line the following: "No election judge shall serve in a jurisdiction outside the one for which he or she is appointed unless the chief election official of a county declares the existence of unfilled vacancies for election judges in such county."

Senator Gibbons moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Stoll offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 15, Section 115.085, Lines 8-10, by deleting the opening and closing brackets and underlined type appearing on said lines.

Senator Stoll moved that the above substitute amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SSA 1** for **SA 4**. He was joined in his request by Senators Bentley, Caskey, Coleman and Wiggins.

Senator Loudon assumed the Chair.

SSA 1 for **SA 4** was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Coleman
DePasco	Dougherty	Goode	House
Jacob	Johnson	Kennedy	Mathewson
Quick	Schneider	Staples	Steelman
Stoll	Wiggins--18		
NAYS--Senators			
Bentley	Childers	Foster	Gibbons
Gross	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Sims
Singleton	Westfall	Yeckel--15	
Absent--Senator Russell--1			
Absent with leave--Senators--None			

At the request of Senator Yeckel, **SB 675**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1468**, entitled:

An Act to repeal section 379.362, 379.889, 379.890, and 379.893, RSMo, and to enact in lieu thereof one new section relating to commercial insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1086**, entitled:

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the privacy of personal information of participants in the Missouri higher education savings program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **CCS** for **HCS** for **SS No. 2** for **SB 650**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

On behalf of Senator Klindt, Chairman of the Committee on Interstate Cooperation, Senator Kenney submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 1014**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 810**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HS** for **HCS** for **HBs 1037, 1188, 1074 and 1271**; and **CCS** for **HCS** for **SS No. 2** for **SB 650**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for **HCS** for **SS No. 2** for **SB 650**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

On motion of Senator Kenney, the Senate recessed until 2:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1238--Ways and Means.

SB 1239--Civil and Criminal Jurisprudence.

SB 1240--Aging, Families and Mental Health.

SB 1241--Transportation.

SB 1242--Ways and Means.

SB 1243--Commerce and Environment.

SB 1244--Aging, Families and Mental Health.

SB 1245--Transportation.

SB 1246--Education.

SB 1247--Pensions and General Laws.

SB 1250--Education.

SB 1251--Commerce and Environment.

SB 1252--Civil and Criminal Jurisprudence.

SB 1253--Transportation.

SB 1254--Local Government and Economic Development.

SB 1255--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1256--Education.

SB 1257--Judiciary.

SB 1258--Aging, Families and Mental Health.

SB 1259--Aging, Families and Mental Health.

SB 1260--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1261--Local Government and Economic Development.

SB 1262--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1263--Commerce and Environment.

SB 1264--Interstate Cooperation

SB 1265--Commerce and Environment.

SB 1266--Commerce and Environment.

SB 1279--Pensions and General Laws.

REFERRALS

President Pro Tem Kinder referred **SCR 53** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

SB 1024, with **SCS**, introduced by Senator Bentley, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to medical records.

Was called from the Consent Calendar and taken up.

SCS for **SB 1024**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1024**

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to medical records.

Was taken up.

Senator Bentley moved that **SCS** for **SB 1024** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 1024** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Dougherty	Goode	Schneider--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 976, introduced by Senator Steelman, et al, entitled:

An Act to repeal section 191.400, RSMo, relating to the state board of health, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Steelman.

On motion of Senator Steelman, **SB 976** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steeleman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 675**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 675**, as amended, was again taken up.

Senator Dougherty offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 29, Section 115.159, Lines 15-23 by striking all of said lines.

Senator Dougherty moved that the above amendment be adopted.

President Maxwell assumed the Chair.

Senator Gibbons offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 29, Section 115.159, Lines

20-21, by deleting the following: "at his or her new polling place designated by the election authority".

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 28, Section 115.157, Lines 3-4 of said page, by striking the following: "agents of a federal law enforcement agency,".

Senator Steelman moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 6**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 28, Section 115.157, Line 4 of said page, by inserting immediately after the word "agency" the following: ", **any county, state or federal parole officer, any federal pretrial officer, any peace officer pursuant to section 590.100, RSMo, any member of a parole officer's, pretrial officer's or peace officer's immediate family**".

Senator Loudon moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kennedy, Kenney, Schneider and Yeckel.

SSA 1 for **SA 6** failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Foster	Gibbons	Gross
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Russell	Sims
Singleton	Westfall	Yeckel--15	
NAYS--Senators			
Caskey	Childers	Coleman	DePasco
Dougherty	Goode	House	Jacob
Johnson	Mathewson	Rohrbach	Schneider
Staples	Stelman	Stoll	Wiggins--16
Absent--Senators			
Bentley	Bland	Quick--3	
Absent with leave--Senators--None			

SA 6 was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 10, Section 115.074, Line 1, by inserting after the word "grants." the following: "**The secretary of state shall award grants first to election authorities in jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established and amended by the federal department of health and human services or its successor agency. Prior to issuing any grants,**".

Senator DePasco moved that the above amendment be adopted.

Senator Yeckel offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 10, Section 115.074, Line 1 of said page, by inserting after "grants." the following: "**The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established and amended by the federal Department of Health and Human services or its successor agency.**".

Senator Yeckel moved that the above substitute amendment be adopted, which motion prevailed.

Senator Childers offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 28, Section 115.157, Line 3, by deleting the words "**of this state**" on said line.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Pages 7-8, Section 115.027, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 9, Section 115.063, Lines 2-25, by deleting all of said section; and further amend said bill, pages 11-13, section 115.077 by deleting all of said section; and

Further amend title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 20, Section 115.102, Lines 9-10, by deleting all of said lines.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Pages 21-23, Section 115.126 by striking all of said section from the bill; and

Further amend said bill, Page 42, Section 115.277, Line 18 of said page, by inserting immediately after the word "retained" the following: ";

(6) Personal inconvenience to the voter"; and

Further amend said bill, Page 49, Section 115.283, Line 11 of said page, by inserting immediately after the word "voting" the following: ";

..... personal inconvenience".

Senator Goode moved that the above amendment be adopted.

Senator Stoll offered **SSA 1** for **SA 12**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 21, Section 115.126, Line 22, by striking the words "in presidential election years"; and further amend said page and section, lines 23-24, by deleting all of said lines and inserting in lieu thereof the following: "**the election authority. In any county of the first classification, election authorities may establish advance voting at a maximum of three geographically distributed locations designated by and under the control of the election authorities.**" and

Further amend said bill, page and section, line 27, by inserting after all of said line the following: "**Advance voting periods at each location shall include Saturdays and shall terminate weekdays no earlier than 7:00 p.m.**"; and

Further amend said bill and section, page 22, line 6 by striking the word "Saturdays,"; and

Further amend said bill, section, and page, lines 10-25, by deleting all of said lines and inserting in lieu thereof the following: "**115.445. The**".

Senator Stoll moved that the above substitute amendment be adopted.

Senator Goode offered **SA 1** to **SSA 1** for **SA 12**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 12

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 1, Line 11 of the amendment by adding the following:

Further amend said bill, Page 21, Section 115.126, Line 26, by deleting the terms "5:00 p.m. on the Wednesday" and inserting in lieu thereof the following: "7:00 p.m. on the Friday".

Senator Goode moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 12**. He was joined in his request by Senators Goode, Klarich, Quick and Schneider.

SA 1 to **SSA 1** for **SA 12** failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Coleman	DePasco
Dougherty	Goode	House	Jacob
Johnson	Kennedy	Mathewson	Quick
Schneider	Stoll	Wiggins--15	
NAYS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		
Absent--Senator Staples--1			
Absent with leave--Senators--None			

SSA 1 for **SA 12** was again taken up.

Senator Childers offered **SA 2** to **SSA 1** for **SA 12**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 12

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 1, Lines 10-11, by deleting lines 10 and 11 of said amendment.

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 2** to **SSA 1** for **SA 12** was withdrawn.

SSA 1 for **SA 12** was again taken up.

Senator Stoll moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Kennedy, Kenney and Kinder.

SSA 1 for **SA 12** failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Coleman	DePasco
Dougherty	House	Jacob	Johnson

Kennedy	Mathewson	Quick	Schneider
Stoll	Wiggins--14		
	NAYS--Senators		
Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	Kenney
Kinder	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		
	Absent--Senators		
Klarich	Staples--2		
	Absent with leave--Senators--None		

SA 12 was again taken up.

Senator Goode requested unanimous consent of the Senate to delete all of **SA 12** after line 2, which request was granted.

Senator Goode moved that **SA 12** be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 12** and was joined in his request by Senators Loudon, Singleton, Stoll and Yeckel.

SA 12 failed of adoption by the following vote:

	YEAS--Senators		
DePasco	Goode	Johnson	Kenney
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Stoll	Wiggins--12
	NAYS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Kennedy	Kinder	Klindt	Loudon
Singleton	Steelman	Westfall	Yeckel--20
	Absent--Senators		
Klarich	Staples--2		
	Absent with leave--Senators--None		

Senator Schneider offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 7, Section 115.027, Line 28, by striking the underlined language in said line; and

Amend page 8, lines 1 to 6 by striking the underlined language in said lines and substitute the following on line 2 after the word "Senate": "The members appointed from the political party who are not of the party of the Governor shall be selected from a list of four members submitted by the state committee of such party.".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 22, Section 115.126, Lines 20 and 21 by deleting all of said lines and inserting in lieu thereof the following:

"this chapter an advance voting program shall be".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Pages 72-75, Section 115.637, by deleting all of said section.; and

Further amend title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Yeckel, **SB 675**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Dorothy M. Gresham for the Board of Election Commissioners for Platte County, submitted to you on March 4, 2002. Line 1 should be amended to read:

Dorothy M. Gresham, Democrat, 6205 Northwest 79th Street,

Kansas City, Platte County, Missouri 64151

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Joseph A. Swarts for the Board of Election Commissioners for Platte County, submitted to you on March 4, 2002. Line 3 should be amended to read:

Commissioners for Platte County, for a term ending January 11, 2005

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above addendums to the Committee on Gubernatorial Appointments.

CONCURRENT RESOLUTIONS

Senator Sims offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 54

WHEREAS, American women of every culture, class and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play a critical economic, cultural and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside the home; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force in our Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic and cultural institutions in our Nation; and

WHEREAS, American women of every culture, class and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate the month of March as "Women's History Month" and urge the Governor to issue a proclamation calling upon the people of the State of Missouri to observe this month with appropriate programs, ceremonies and activities; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and each member of Missouri's Congressional delegation.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1028**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1143**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1210**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1179**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1128**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1186**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 1152**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 1143, regarding the death of Richard E. "Gene" Clark, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1144, regarding the death of Maura Angela Montgomery Gassman, Kansas City, which was adopted.

Senator Foster offered Senate Resolution No. 1145, regarding Sally Elrod, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1146, regarding the Twenty-fifth Anniversary of Victory Baptist Temple Ministries, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1147, regarding Richard McAllister, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1148, regarding Roger McAllister, Piedmont, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, B.W. Robinson, Jefferson City.

Senator Kenney introduced to the Senate, Kerry Lipstiz, Tucson, Arizona.

Senator Sims introduced to the Senate, Kristian Margherio, St. Louis.

Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. Gerard M. Doherty, M.D., Warson Woods.

Senator Yeckel introduced to the Senate, Matthew Taylor, Maryland.

Senator Kinder introduced to the Senate, representatives of Emergency Medical Technicians day.

Senator Russell introduced to the Senate, Dennis Preston and the ninth grade government class from Lebanon Junior High School, Lebanon.

Senator Staples introduced to the Senate, Jeanette Bragg and a group of United Methodist Women from Koshkonong.

Senator Sims introduced to the Senate, Maria Worthen, Lacey McNary, Lisa Berryman and Njeri Kayotho, St. Louis County.

Senator Wiggins introduced to the Senate, Mrs. Annette Waugh, Grandview; and a group of United Methodist Women from North Kansas City and Raytown.

Senator Foster introduced to the Senate, Vickie and Alexandra Carter, Lauren and Stacey Henson, Erin and Cara Lee Pierce, Renee and Sheila Cook, James and Emma Kelly, Wes Mott and Lugenia Counce, Caruthersville; and Alexandra, Lauren, Erin, Renee, James and Wes were made honorary pages.

Senator Stoll introduced to the Senate, Jeff Montgomery, Pat Earley, Steve Pallo, Jennifer Golden, Regina Cooper, Mike Tull, Sally Tull, Kim Jewell and 80 ninth grade students from Festus High School, Festus.

Senator Bentley introduced to the Senate, Adrienne Laswell and Amber Noblitt, Republic; Nisha Lassman-Eul, Springfield; Emily Phillips and Wilma Phillips, Battlefield; Ruth Crawford, Highlandville; and Girl Scouts of Dogwood Trails.

Senator Caskey introduced to the Senate, Pricilla Swatosh and 50 fourth grade students and sponsors from Osceola Elementary School, Osceola; and Megan Boin, Brandon Belisle, Jimmy Jones and Holly Cone were made honorary pages.

Senator Klindt introduced to the Senate, members of the Bethany and Albany Chambers of Commerce and community business leaders.

Senator Schneider introduced to the Senate, Peggy Scharf and 33 eighth grade students from St. John Neumann

School, North St. Louis County; and Heather Root, Christa Edwards and Eric Anderson were made honorary pages.

Senator Staples introduced to the Senate, Bobby Bland, Eric Mansfield, Steve Eaton, Kelly Chilton, Sam Baker and students from Southern Reynolds County School.

Senator Kennedy introduced to the Senate, Edmund J. Postawko, Det. Eric Pearson and Jennifer M. Joyce, St. Louis.

Senator Schneider introduced to the Senate, Candy Wells and 36 fourth grade students from Lee Hamilton Elementary School, North St. Louis County; and Jazzy Hillery, Marie Marks, Stephen Garrett and Melissa Davis were made honorary pages.

Senator Stoll introduced to the Senate, David and Delta Vines and their son, Andrew, Imperial; and Andrew was made an honorary page.

Senator Coleman introduced to the Senate, Everett Cleveland, Jr., Oakland, California.

On behalf of Senator Kinder, the President introduced to the Senate, Ted Coalter, RFC, LUTCF, Alan Phillips, Sharon Stanley and Linda Puchbauer, Cape Girardeau.

Senator Klindt introduced to the Senate, Corey Neill, Nate Polley, Jason Richards, Richard Blackburn, Mark Kenney, Duane Jewell, Trina Regal, Lori Fordyce, Megan Snell, Kristen Rhodes and Lacy Freidrick, Maryville.

Senator Foster introduced to the Senate, Tim Coppage, Matthews; Teresa Jones, Oran; Jodie Brunke and Andy Cook, Jackson; and Alysheia Jokerst, Ste. Genevieve.

Senator Sims introduced to the Senate, Norman E. Sewing, St. Louis.

Senator Foster introduced to the Senate, his daughter, Karmen Foster, Poplar Bluff; Delane Beckwith, Poplar Bluff; and Mrs. Vickie Campbell, Beverly Barnes and fourth grade students from Clarkton Elementary School, Clarkton.

Senator Cauthorn and Senator Jacob introduced to the Senate, Dana Henke, Mexico; and David Kleinsorge, Laddonia.

On behalf of Senator House and herself, Senator Steelman introduced to the Senate, Amanda Davidson, Montgomery County; and Dan Engemann, Warren County.

Senator Westfall introduced to the Senate, Ericka Coble, Walnut Grove.

On behalf of Senators Caskey, Russell, Gross, Cauthorn, Bentley and himself, Senator Westfall introduced to the Senate, Anson Elliot, Springfield; Garrett Hawkins, Appleton City; Shawna Scott, Fair Play; Patrick Eslinger, El Dorado Springs; Cody Gariss, Lamar; Janet Ratiff, Shelby; Aaron Day, Marshfield; Jamie Lile, Strafford; Stacy Wildeisen, St. Charles; J.R. Perkins, Urbana; and J.D. Shantz, Buffalo.

Senator Staples introduced to the Senate, Wayne Swaggert, Ste. Genevieve.

Senator Coleman introduced to the Senate, her

father, Earl Henry, Beaumont, Texas.

On behalf of Senator Rohrbach and himself, Senator Russell introduced to the Senate, Debbie Ferguson and Gloria Fields, Lake Ozark.

Senator Gibbons introduced to the Senate, Bev Lanzafame and 21 eighth grade students from Annunciation School, Webster Groves.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Wednesday, March 6, 2002.

SENATE CALENDAR

THIRTY-FOURTH DAY-WEDNESDAY, MARCH 6, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1236-Rohrbach

SB 1248-Mathewson and
Kenney

SB 1249-Mathewson

SB 1267-Westfall

SB 1268-Westfall

SB 1269-Cauthorn

SB 1270-Klindt

SB 1271-Klindt

SB 1272-Klindt

SB 1273-Goode

SB 1274-Gibbons

SB 1275-Gibbons

SB 1276-Gibbons

SB 1277-Caskey

SB 1278-Bland

SB 1280-Rohrbach

SJR 38-Cauthorn and Steelman

SJR 39-Gross and House

SJR 40-Westfall HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,

et al, with SCS

2. SBs 721, 757, 818 &

930-Westfall, with SCS

3. SB 665-Kenney

4. SB 836-Gross and

Dougherty, with SCS

5. SB 840-Gross and

Russell, with SCS

6. SB 740-Wiggins

7. SB 687-Gibbons and Yeckel

8. SB 959-Kenney and
Kinder, with SCS
9. SBs 817, 978 & 700-
Gross, with SCS
10. SBs 837, 866, 972 &
990-Cauthorn, with SCS
11. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
12. SBs 894, 975 & 927-
Kinder, with SCS
13. SBs 670 & 684-Sims, with SCS
14. SB 1005-Loudon
15. SBs 741, 929 & 871-
Wiggins, with SCS
16. SBs 1061 & 1062-
Rohrbach and Kenney,
with SCS
17. SBs 843 & 658-Stoll,
with SCS
18. SB 647-Goode, with SCS
19. SBs 969, 673 & 855-
Westfall and Bentley,
with SCS
20. SB 1059-Bentley, et al,
with SCS
21. SB 1052-Sims, with SCS
22. SB 884-DePasco and
Kenney, with SCS

23. SBs 984 & 985-

Steelman, with SCS

24. SB 1046-Gross and

House, with SCS

25. SB 1103-Westfall, et al

26. SBs 915, 710 & 907-

Westfall, et al, with SCS

27. SBs 923, 828, 876, 694

& 736-Sims, with SCS

28. SB 676-Yeckel, et al,

with SCS

29. SB 900-Goode, et al,

with SCS

30. SB 1107-Childers, with SCS

31. SB 912-Mathewson, with SCS

32. SB 892-Kenney, with SCS

33. SB 910-Gibbons

34. SB 1104-Mathewson

35. SB 954-Loudon, with SCS

36. SB 1014-Klindt and Kinder

37. SB 1152-Klarich, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 675-Yeckel, et al, with

SCS & SS for SCS (pending)

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder,

with SCS

SBs 970, 968, 921, 867,

868 & 738-Westfall,

et al, with SCS, SS for

SCS, SS for SS for SCS

& SA 6 (pending)

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/25

SB 967-Kennedy, et al, with SCS

SB 950-Gibbons and Klarich

SB 960-Kenney, et al,

with SCS

SB 966-Kennedy, with SCS

SB 916-Dougherty, et al,

with SCS

SB 1094-Russell

SB 834-Sims, with SCS

SB 941-DePasco

SB 1071-Klindt, with SCS

Reported 2/26

SB 988-Caskey, with SCS

SBs 1086 & 1126-DePasco,

with SCS

SB 1004-Loudon, with SCA 1

SB 1106-Klarich, with SCS

SB 962-Wiggins

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell

Reported 3/4

SB 1140-Rohrbach

SB 1151-Kinder, with SCS

SB 794-Bland

SB 1050-Foster

SB 859-Russell

SB 821-Dougherty and Gross,

with SCS

SB 1012-Caskey, with SCA 1

SB 1102-Westfall

SB 680-Bland

SB 980-Singleton and

Schneider, with SCS

SB 1127-Johnson, et al,

with SCS

Reported 3/5

SB 810-Dougherty, with SCS

SB 1028-Russell

SB 1143-Jacob

SB 1007-Stoll, with SCS

SB 1210-Johnson, with SCS

SB 1179-Caskey and Dougherty

SB 1128-Johnson

SB 1186-Kenney

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

To be Referred

SCR 54-Sims

Reported from Committee

SR 1054-Singleton

SCR 49-Rohrbach

SCR 51-Mathewson and

Yeckel, with SCA 1

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY--WEDNESDAY, MARCH 6, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, there are so many ways that we try to connect with You, in our offices, in our rooms, and even over breakfast. Help us to keep an appointed time with You to regroup, recharge, reflect and truly hear and understand Your instructions for us and Your purpose in what is required of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

CONCURRENT RESOLUTIONS

Senator Rohrbach moved that **SCR 49** be taken up for adoption, which motion prevailed.

On motion of Senator Rohrbach, **SCR 49** was adopted by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Bland	Schneider	Singleton--4
	Absent with leave--Senators--None		

Senator Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 55

WHEREAS, the over-2,000 miles of Route 66 is now a tourist attraction because it was how America traveled in the 1920's-60's and is full of old trading posts, gas stations, motels, diners and villages; and

WHEREAS, Missouri was the third state to completely pave its portion of "Route 66" and the highway runs through the City of Cuba, Missouri; and

WHEREAS, Viva Cuba, Incorporated, was established to oversee the painting of artistic and historical murals upon walls along "Route 66" within the City of Cuba and is the driving force behind this magnificent project; and

WHEREAS, the Viva Cuba committee has set a goal of completing 12 wall murals along the historic highway by 2007, which is also the City of Cuba's 150th anniversary; and

WHEREAS, one of the murals will depict "the Blue Bonnet" a World War II era steam engine train and another will feature faces of veterans of Crawford County from World War II; and

WHEREAS, an educational television crew from KET in Kentucky chose Cuba as one of only four cities on "Route 66" to film and recently spent time there filming the city with a major portion of their coverage about the mural project; and

WHEREAS, on May 7, 2001, the City of Cuba's Mayor John Koch proclaimed the city "Route 66 Mural City":

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request the Governor to bestow the pseudonym of "Route 66 City of Murals" to the City of Cuba, Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and the Mayor of the City of Cuba.

Senator Cauthorn offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 56

WHEREAS, a permanent electronic identification device to track all red meat-producing livestock from farm to table would be a great protective device for anti-bioterrorism; and

WHEREAS, such devices would be useful to the producers of red meat-producing livestock in controlling diseases as a method of tracing such livestock back to the farm; and

WHEREAS, such devices would be beneficial in providing producers with livestock carcass information, including the rate of gain; and

WHEREAS, such devices would be most useful in generating information on the concept of "farm to table" to protect American consumers:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby encourage the Animal and Plant Inspection Service of the United States Department of Agriculture to develop and promulgate a permanent electronic identification program to be used on all red meat-producing livestock that would gather information and help protect the United States' consumer in the event of a bioterrorist threat; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the United States Department of Agriculture.

THIRD READING OF SENATE BILLS

SB 967, with SCS, introduced by Senator Kennedy, et al, entitled:

An Act to repeal section 84.160, RSMo, relating to police officers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Kennedy.

SCS for SB 967, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 967

An Act to repeal section 84.160, RSMo, relating to police officers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

President Maxwell assumed the Chair.

Senator Kennedy moved that SCS for SB 967 be adopted, which motion prevailed.

On motion of Senator Kennedy, SCS for SB 967 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Bland-- 1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SB 950, introduced by Senators Gibbons and Klarich, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Henry Shaw

Ozark Corridor.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **SB 950** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Singleton--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 675**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 675**, as amended, was again taken up.

Senators Jacob and Stoll offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 34, Section 115.163, Line 5, by inserting after all of said line the following: "**Confirmation notices to such voters required by section 115.193 shall be sent to the corrected address provided by the National Change of Address program.**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach assumed the Chair.

Senator Caskey offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Pages 75-78, Section 115.645, by deleting all of said section; and

Further amend title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Stoll	Westfall	Wiggins
Yeckel--29			
Absent--Senators			
Coleman	House	Kinder	Singleton
Steelman--5			
Absent with leave--Senators--None			

At the request of Senator Yeckel, **SB 675**, with **SCS** and **SS** for **SCS** and **SA 17** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1406**, entitled:

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to the board of regents of Northwest Missouri State University.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1402**, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the rights of a political subdivision to use their telecommunications services or facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Bland offered Senate Resolution No. 1149, regarding Reverend Jefferson David Edwards, Jr., Kansas City, which was adopted.

Senator Kinder offered Senate Resolution No. 1150, regarding Robert J. "Bob" Baer, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 1151, regarding the Seventy-fifth Birthday of Geraldine Young Love, Cape Girardeau, which was adopted.

Senators House and Gross offered Senate Resolution No. 1152, regarding the Seventy-fifth Anniversary of St. Charles First Assembly of God, which was adopted.

Senator House offered Senate Resolution No. 1153, regarding Nick Marler, St. Peters, which was adopted.

Senator House offered Senate Resolution No. 1154, regarding Jonathan D. Street, St. Charles, which was adopted.

THIRD READING OF SENATE BILLS

SB 960, with **SCS**, introduced by Senator Kenney, et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of a special license plate.

Was called from the Consent Calendar and taken up by Senator Kenney.

SCS for **SB 960**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 960

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of a special license plate.

Was taken up.

Senator Kenney moved that **SCS** for **SB 960** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SB 960** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Coleman	Gross	Jacob
Johnson	Quick	Staples--7	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kennedy moved that motion lay on the table, which motion prevailed.

SB 966, with **SCS**, introduced by Senator Kennedy, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Was called from the Consent Calendar and taken up.

SCS for **SB 966**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 966

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Was taken up.

Senator Kennedy moved that **SCS** for **SB 966** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 966** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Coleman	Goode	Johnson
Staples--5			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 916, with **SCS**, introduced by Senator Dougherty, et al, entitled:

An Act to repeal section 488.445, RSMo, relating to surcharges on civil cases/marriages, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Dougherty.

SCS for **SB 916**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 916

An Act to repeal sections 488.005 and 488.445, RSMo, relating to surcharges on civil cases/marriages, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 916** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Dougherty, **SCS** for **SB 916** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Gibbons	Gross
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Wiggins	Yeckel--26		
NAYS--Senators			
Foster	Westfall--2		
Absent--Senators			
Bentley	Coleman	Goode	House
Johnson	Staples--6		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1156

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Robert J. Loschke, of Kansas City; and

WHEREAS, Bob Loschke, as he was known to his family, friends and countless admirers, was a native of Kansas City and one of the greatest

natural athletes ever to call Kansas City his home; and

WHEREAS, Bob Loschke attended St. James Grade School, Lillis High School, St. Louis University, University of Missouri and Benedictine College and throughout his life was an all star athlete in every sport, particularly basketball and baseball; and

WHEREAS, Bob Loschke followed his father and older brother, Leo, into the baseball world, pitching for the University of Missouri and later in the Detroit Tigers organization and finally came home to be a little league baseball coach, inspiring countless youngsters with his example of excellence in sports and how that translates into excellence in life; and

WHEREAS, Bob Loschke and his brother, Leo, were an unbeatable handball team, winning the annual YMCA Handball Tournament twice; and

WHEREAS, Mr. Loschke spent much of his adult life as an insurance agent, most recently for L. J. Gliern and Associates; and

WHEREAS, Bob Loschke was most of all a devoted father, grandfather and family man in whose heart and love his family always came first:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of a great Kansas Citian, Robert J. Loschke, express their appreciation for his lifetime of good citizenship and his contributions and inspiration to the youth of Kansas City and extend to his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of Robert J. Loschke.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 675**, with **SCS**, **SS** for **SCS** and **SA 17** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 17 was again taken up.

At the request of Senator Caskey, the above amendment was withdrawn.

Senator Caskey offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Pages 75-78, Section 115.645, by striking all of said section and inserting in lieu thereof the following:

"115.645. 1. Upon a judicial determination of probable cause to believe that any violations of this chapter have occurred, the secretary of state shall have the power to investigate relevant persons and records as set forth in this section. Such power is limited to cases where:

- (1) The secretary of state determines that a matter of statewide interest is adversely affected; and**
- (2) The secretary of state determines local law enforcement authorities are unwilling or unable to investigate the matter; and**
- (3) The local election authority requests the secretary of state to investigate; and**
- (4) A court of competent jurisdiction has determined probable cause exists that a violation of this chapter has occurred and that the persons or records sought to be examined are relevant.**

2. The secretary of state may request a circuit judge to issue a subpoena to any witness who may have information for the purpose of oral examination under oath to require the production of books, papers, records or other material of evidentiary nature. The venue for seeking issuance of such subpoena shall be in the county or city not within a county where the witness or records are domiciled. Any request for subpoena shall:

- (1) State the statute and section thereof, the alleged violation of which is under investigation, and the general**

subject matter of the investigation;

(2) Describe the class or classes of information, documentary material, or physical evidence to be produced thereunder with reasonable specificity so as to fairly indicate the material demanded;

(3) Prescribe a return date by which the information, documentary material, or physical evidence is to be produced; and

(4) Identify the members of the secretary of state's staff to whom the information, documentary material, or physical evidence requested is to be made available.

3. No request for subpoena shall:

(1) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state;

(2) Require the disclosure of any documentary material which would be privileged or which, for any other reason, could not be required by a subpoena duces tecum issued by a court of this state;

(3) Require any person to travel outside the county of his or her residence.

4. The secretary of state shall ensure the confidentiality of all reports, records, working papers, recorded information except that all such records shall be available to the local law enforcement officials if the secretary of state refers any alleged violation of this chapter for prosecution and to the local election authority except when the secretary of state alleges the local election authority has committed a violation of this chapter.

5. In investigating violations of this chapter the secretary of state and any local law enforcement officials shall refrain from any conduct which has the possibility of affecting the conduct or outcome of an election. No investigations of alleged violations of this chapter by the secretary of state or local law enforcement officials shall occur prior to an election and subpoenas requested prior to an election shall be issued only if sufficient evidence exist that information or documents sought under the subpoena will be unavailable after the election.

6. Upon the order of a court of competent jurisdiction, the secretary of state shall have the right to access records that are closed under this chapter or under chapter 610 if such records are necessary for the conduct of an investigation under this section."

Senator Caskey moved that the above amendment be adopted.

Senator Steelman assumed the Chair.

Senator Jacob offered **SA 1** to **SA 18**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 3, Section 115.645, Lines 9-14, by deleting all of said lines and inserting in lieu thereof the following: "**the conduct or outcome of an election. Investigations of alleged violations of this chapter by the secretary of state or local law enforcement officials shall occur only after an election and subpoenas requested prior to an election shall be issued only after the counting of the ballots and posting of the election results.**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2** to **SA 18**:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 1, Section 115.645, Line 20, by inserting after the word "request" the words "the attorney general to apply to"; and amend line 20 after the word "judge" the words "of proper venue"; and amend line 19, by inserting after said line:

"2. The attorney general shall co-operate in any investigation initiated pursuant to subsection 1."; and

Further amend by renumbering the remaining subsections accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 18, as amended, was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SS** for **SCS** for **SB 675**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **SCS** for **SB 675**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following proclamation was received from the Governor, reading of which was waived:

Office of the Governor

State of Missouri

Proclamation

WHEREAS, during 2001 all major national forecasters envisioned an economy that would begin growing again during the last half of the year and continue with substantial growth during 2002; and

WHEREAS, instead of growing, the economy officially went into recession in April 2001, according to the National Bureau of Economic Research, which recession continues; and

WHEREAS, as a result of the recession and its effects, Missouri and the other states in our nation are struggling through difficult economic times, as demonstrated by the fact that the National Association of State Budget Officers' reports that Fiscal Year 2002 budget shortfalls totaling approximately \$40 billion dollars exist in 40 states, the National Conference of State Legislatures reports that at least 37 states and the District of Columbia face potential budget gaps in Fiscal Year 2003, and at least 25 states other than Missouri are using budget reserves in response to budget shortfalls; and

WHEREAS, the Missouri unemployment rate increased to 5.3% in January of 2002 from 4.4% in April 2001, when the recession began, and over 67,500 more Missourians were unemployed in January 2002 than in April 2001, resulting in less tax revenue to the states and an increase in needs for state services among the unemployed and their families; and

WHEREAS, since the terrorist attacks of September 11, economic recovery has been slower and weaker than expected, thereby exacerbating the recession; and

WHEREAS, measures related to homeland security after the attacks of September 11 will cost state and local governments millions of dollars for programs not covered by federal funding; and

WHEREAS, the U.S. Congress passed H.R. 1836, The Economic Growth and Tax Relief Reconciliation Act of 2001, which will reduce Missouri revenue collections by \$21.1 million in Fiscal Year 2002 and by \$41.6 million in Fiscal Year 2003; and

WHEREAS, State revenue collections have failed to keep pace with consensus revenue estimates that are agreed upon by the Governor's office and members of the House of Representatives and the Senate, and on which budgets have been built to address programs required by state and federal

legislation and to respond to the pressures of a growing and aging population, to wit:

- The Fiscal Year 2002 consensus revenue estimate is \$6,419.2 million, a total of \$520.8 million below the \$6,940 million on which the budget is based,
- The Fiscal Year 2002 consensus revenue estimate is \$36.3 million below those actually received in Fiscal Year 2001, a .6 percent decline,
- The Fiscal Year 2003 consensus revenue estimate is \$149.5 million over the Fiscal Year 2002 estimate, a relatively anemic 2.3 percent growth,
- The Fiscal Year 2003 consensus revenue estimate is \$371.3 million below the amount needed to support the budget approved for Fiscal Year 2002,
- In Fiscal Year 2003 the State of Missouri faced a total of \$332.9 million in mandatory cost increases for Medicaid (\$157.5 million), corrections (\$48.3 million), state employee health care (\$13.4 million), and other items; and

WHEREAS, \$536 million in budget cuts and withholdings in the Fiscal Year 2002 budget have eliminated or reduced funding throughout the budget, making additional cuts in the core budget very difficult, which cuts and withholdings include:

- Withholding \$200.3 million in state agency operating budget spending,
- Withholding \$140.7 million in capital improvements spending, mostly for constructing buildings on the campuses of the state's colleges and universities,
- Withholding \$82.5 million in spending from the tobacco settlement and redirecting that money to general revenue,
- Vetoes of \$26.5 million from the budget,
- Reducing tax credits by \$7.5 million,
- Redirecting \$48.5 million in unobligated tobacco settlement funds and intergovernmental transfers to general revenue purposes,
- Redirecting \$30 million in funds from other state accounts to general revenue; and

WHEREAS, in Fiscal Year 2003 the Governor has recommended \$480 million in general revenue core reductions; and

WHEREAS, these core reductions include elimination of entire programs and reductions of 25 percent or more for other programs; and

WHEREAS, failing to provide additional funds by utilizing the budget reserve fund will require eliminating additional programs critical to the health, safety, and welfare of Missouri's most vulnerable citizens, including children, the elderly, and people with physical and mental disabilities; and

WHEREAS, the very purpose of the budget reserve fund, commonly known as the rainy day fund, as approved by the votes of this State, is to provide funds that the State can use in a time of great need, whether that need is occasioned by natural disaster, an economic downturn, or other circumstances, so that the State of Missouri has the ability to weather an economic storm; and

WHEREAS, the Constitution requires that the Governor declare an emergency so that the General Assembly may appropriate funds from the Budget Reserve Fund.

NOW, THEREFORE, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Article III, section 27(a) of the Missouri Constitution and sections 44.010 to 44.130, RSMo, do hereby proclaim that an emergency exists in the State of Missouri as a result of the current economic conditions that prevail in the state of Missouri and the nation, which constitute a disaster of major proportions.

Bob Holden

Governor

(Seal) Attest:

Matt Blunt

Secretary of State

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2002

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 650 entitled:

AN ACT

To repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for sexual offenses, with penalty provisions and an emergency clause.

On March 6, 2002, I approved said Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 650.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Renee Moore and J.B. Richman, St. Louis County.

Senator Wiggins introduced to the Senate, Tom Brown, Jim Harris, Larry Borgelt, Jim Baker, Jeanie Neff and Boy Scouts from St. Elizabeth Parish, Kansas City; and Peter Brown, Bobby Havey, Andrew Schofield, Vince Harris, Benny Ritz, Brett Jenkins, Andrew Borgelt, Teddy Hart, Matt Baker, Kolbe Krzyzanowski, Paul Jensen and Adam Neff were made honorary pages.

On behalf of Senator Klarich, the President introduced to the Senate, Kay Scott, and her children, Phillip James and Laurene Ashley, Ballwin; and Phillip and Laurene were made honorary pages.

Senator Stoll introduced to the Senate, Doug and Lisa Basham, and their children, Shane and Kendall, Hillsboro; and Shane and Kendall were made honorary pages.

Senator Wiggins introduced to the Senate, Tim, Mackenzie, Nick and Henry Hatfield, Jim, Mary Kate and Sarah Kelly and Kent, Peter and George Williams, Kansas City; and Mackenzie, Nick, Henry, Peter, George, Mary Kate and Sarah were made honorary pages.

Senator Bentley introduced to the Senate, Sherry Davis and Mary Christiano, Springfield.

Senator Wiggins introduced to the Senate, Christy Broce, sponsors and students from Westridge Elementary School, Raytown; and Brooke Boulware, Amy Mack, Jessica and John Newmann, Sadie Ronan and Rebekeh Hamilton were made honorary pages.

Senator Dougherty introduced to the Senate, Caron and Trey Scott, Kentucky.

Senator Loudon introduced to the Senate, Zirgham Bhatti and Nathan Hopkins, Marquette Senior High School,

Chesterfield.

Senator Sims introduced to the Senate, representatives of Greater Missouri Leadership.

Senator Kennedy introduced to the Senate, Dana Beffa and Claire Wyneken, St. Louis.

On behalf of Senator Loudon and himself, Senator Klarich introduced to the Senate, Patrick Sherwood Banger, O'Fallon; Laura Kaiser, Chesterfield; and Mike Houlihan, University City.

Senator Kenney introduced to the Senate, Kathy Nevans and students from Truman High School, Independence.

Senator Schneider introduced to the Senate, students from Salem Lutheran School, St. Louis; and Todd Wever, Cory Remspecher, Sarah Radke and Brittany Griffin were made honorary pages.

Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. James Boyd, M.D., St. Louis.

Senator Caskey introduced to the Senate, Patte' Klaus Schreihofer, Beth Knott, Malinda Davis, Sandy Anderson and representatives of the Belton High School PTSA and Belton PTA Council, Belton; and Chris Anderson, Zachary Craig, Brandon DeBolt and Jacob Morlok were made honorary pages.

Senator Singleton introduced to the Senate, his daughter, Catherine Singleton, Seneca; Jeremy Goins, Joplin; and Jacob Brower, Neosho.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIFTH DAY-THURSDAY, MARCH 7, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1248-Mathewson and

Kenney

SB 1249-Mathewson

SB 1267-Westfall

SB 1268-Westfall

SB 1269-Cauthorn

SB 1270-Klindt

SB 1271-Klindt

SB 1272-Klindt

SB 1273-Goode

SB 1274-Gibbons

SB 1275-Gibbons

SB 1276-Gibbons

SB 1277-Caskey

SB 1278-Bland

SB 1280-Rohrbach

SJR 38-Cauthorn and Steelman

SJR 39-Gross and House

SJR 40-Westfall

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1402-Burton, et al

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,

et al, with SCS

2. SBs 721, 757, 818 &

930-Westfall, with SCS

3. SB 665-Kenney

4. SB 836-Gross and

Dougherty, with SCS

5. SB 840-Gross and

Russell, with SCS

6. SB 740-Wiggins

7. SB 687-Gibbons and Yeckel

8. SB 959-Kenney and

Kinder, with SCS

9. SBs 817, 978 & 700-

Gross, with SCS

10. SBs 837, 866, 972 &

990-Cauthorn, with SCS

11. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS

12. SBs 894, 975 & 927-
Kinder, with SCS

13. SBs 670 & 684-Sims,
with SCS

14. SB 1005-Loudon

15. SBs 741, 929 & 871-
Wiggins, with SCS

16. SBs 1061 & 1062-
Rohrbach and Kenney,
with SCS

17. SBs 843 & 658-Stoll,
with SCS

18. SB 647-Goode, with SCS

19. SBs 969, 673 & 855-
Westfall and Bentley, with SCS

20. SB 1059-Bentley, et al, with SCS

21. SB 1052-Sims, with SCS

22. SB 884-DePasco and
Kenney, with SCS

23. SBs 984 & 985-
Steelman, with SCS

24. SB 1046-Gross and
House, with SCS

25. SB 1103-Westfall, et al
26. SBs 915, 710 & 907-
Westfall, et al, with SCS
27. SBs 923, 828, 876, 694
& 736-Sims, with SCS
28. SB 676-Yeckel, et al, with SCS
29. SB 900-Goode, et al, with SCS
30. SB 1107-Childers, with SCS
31. SB 912-Mathewson,
with SCS
32. SB 892-Kenney, with SCS
33. SB 910-Gibbons
34. SB 1104-Mathewson
35. SB 954-Loudon, with SCS
36. SB 1014-Klindt and Kinder
37. SB 1152-Klarich, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
SB 668-Bentley, with SS &
SA 1 (pending)

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)
SBs 958 & 657-Kinder, with SCS
SBs 970, 968, 921, 867, 868
& 738-Westfall, et al, with
SCS, SS for SCS, SS for
SS for SCS & SA 6 (pending)
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/25

SB 1094-Russell

SB 834-Sims, with SCS

SB 941-DePasco

SB 1071-Klindt, with SCS

Reported 2/26

SB 988-Caskey, with SCS

SBs 1086 & 1126-DePasco,

with SCS

SB 1004-Loudon, with SCA 1

SB 1106-Klarich, with SCS

SB 962-Wiggins

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell Reported 3/4

SB 1140-Rohrbach

SB 1151-Kinder, with SCS

SB 794-Bland

SB 1050-Foster

SB 859-Russell

SB 821-Dougherty and

Gross, with SCS

SB 1012-Caskey, with SCA 1

SB 1102-Westfall

SB 680-Bland

SB 980-Singleton and

Schneider, with SCS

SB 1127-Johnson, et al,

with SCS

Reported 3/5

SB 810-Dougherty, with SCS

SB 1028-Russell

SB 1143-Jacob

SB 1007-Stoll, with SCS

SB 1210-Johnson, with SCS

SB 1179-Caskey and

Dougherty

SB 1128-Johnson

SB 1186-Kenney

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

To be Referred

SCR 54-Sims

SCR 55-Steelman

SCR 56-Cauthorn

Reported from Committee

SR 1054-Singleton

SCR 51-Mathewson and

Yeckel, with SCA 1

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIFTH DAY--THURSDAY, MARCH 7, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"My soul will be satisfied as with the richest of foods; with singing lips my mouth will praise You." (Psalm 63:5)

Gracious God, we find our satisfaction in You who continues to provide us all the wherewithal of life; food for our bodies, friends for our fellowship, love for our hearts desire and sharing of Your spiritual presence with those we love. Words cannot even express how grateful we are that You are in our lives, for it makes them complete. Be with us this weekend in all we say and do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Johnson--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1157, regarding Robert H. Sperreng Middle School, St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 1158, regarding Benjamin Parker Chellew, which was adopted.

Senator House offered Senate Resolution No. 1159, regarding Mark Miller, St. Louis, which was adopted.

THIRD READING OF SENATE BILLS

SB 1094, introduced by Senator Russell, entitled:

An Act to repeal section 198.439, RSMo, and to enact in lieu thereof one new section relating to the nursing facility reimbursement allowance.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 1094** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Goode--3	
Absent with leave--Senator Johnson--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 834, with **SCS**, introduced by Senator Sims, entitled:

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to Sunday liquor sales by the drink by establishments within an international airport.

Was called from the Consent Calendar and taken up.

SCS for **SB 834**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 834

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to Sunday liquor sales by the drink by establishments within an international airport, with an emergency clause.

Was taken up.

Senator Sims moved that **SCS** for **SB 834** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 834** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Coleman
DePasco	Dougherty	Gibbons	Goode
Gross	House	Jacob	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--28
	NAYS--Senators		
Caskey	Foster	Westfall--3	
	Absent--Senators		
Bland	Russell--2		
	Absent with leave--Senator Johnson--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Cauthorn	Coleman
DePasco	Dougherty	Gibbons	Goode
Gross	House	Jacob	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--28
	NAYS--Senators		
Caskey	Childers	Foster	Russell
Westfall--5			
	Absent--Senators--None		
	Absent with leave--Senator Johnson--1		

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 941, introduced by Senator DePasco, entitled:

An Act to repeal sections 242.010, 242.200 and 242.210, RSMo, relating to drainage districts, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 941** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Goode	Quick--2		
	Absent with leave--Senator Johnson--1		

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SCR 54**, **SCR 55** and **SCR 56** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 680**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1127**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1179**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1128**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 53**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE CONCURRENT RESOLUTION NO. 53

WHEREAS, the state's child abuse and neglect hotline and investigation system pursuant to chapter 210, RSMo, was established to promote the safety of children and the integrity and preservation of their families through the conducting of investigations or family assessments and by providing services in response to reports of child abuse or neglect; and

WHEREAS, while the child abuse and neglect hotline system has been in place for many years, the general assembly has not made a comprehensive analysis of the system since its inception; and

WHEREAS, to ensure that the child abuse and neglect hotline system is in actuality promoting the safety of children, preserving families, and providing adequate services in response to reports of child abuse or neglect, a comprehensive analysis of the system should be made:

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that a Joint Interim Committee on Child Abuse and Neglect be created to be composed of five members of the House of Representatives, with three members to be appointed by the Speaker of the House of Representatives and two members appointed by the Minority Floor Leader of the House of Representatives, and five members of the Senate, with three members appointed by the President Pro Tem of the Senate and two members appointed by the Minority Floor Leader of the Senate; and

BE IT FURTHER RESOLVED that said committee make a comprehensive analysis of the child abuse and neglect hotline system established in chapter 210, RSMo, including the solicitation of information from appropriate state agencies, juvenile officers, law enforcement, and the public regarding the efficiency and effectiveness of the system, possible abuses in the system, complaints and grievances from persons affected by the system, and any recommendations for improvement of such system; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of House Research, Senate Research, and the Committee on Legislative Research provide such legal, research, clerical, technical and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2003, and the authority of such committee shall terminate on December 31, 2002.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 47

Relating to the Poultry Industry Committee.

WHEREAS, the poultry industry is a vital, profitable and important industry in this state; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic impacts while making every attempt to eliminate negative aspects of the industry; and

WHEREAS, the poultry industry produces waste products which have significantly impacted the environment of the state; and

WHEREAS, there exists a need for a study of the economic and environmental impact of the poultry industry in the state, especially the impacts this industry has on sensitive environmental areas:

NOW, THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a "Poultry Industry Committee" which shall review and evaluate both the economic impact of the poultry industry, waste disposal issues and environmental impacts of this industry, and make recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such Committee shall be composed of twenty-three members, one member to be a member of the Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the House of Representatives to be appointed by the Speaker of the House, two county commissioners or their designees, a representative from the Food and Agricultural Policy Research Institute (FAPRI), a representative of the Environmental Protection Agency (EPA), a representative of the Department of Natural Resources, a representative of the United States Department of Agriculture, a representative of the Natural Resources Conservation Services (NRCS), a representative of the university extension system, a representative of the poultry federation, a representative of the Missouri Farmer's Association, a representative of the Farm Bureau, a representative of the Department of Conservation, a representative of the University of Missouri Department of Agriculture, Food, and Natural Resources, a representative of the Southwest Missouri State University Department of Agriculture, a representative of the University of Missouri Commercial Agriculture Program, a member appointed by the Resource Conservation & Development Council, a representative of the Department of Economic Development, a representative of the Department of Agriculture, a representative of the Clean Water Commission, two active poultry farmers, two poultry industry contractors or processors, a person active in the processing/value-added portion of poultry waste, one person from Missouri Farm Credit Services. Each member of the Committee shall serve until December 31, 2003; and

BE IT FURTHER RESOLVED that the Committee may conduct its business by various means but shall meet no less than twice each year as a full Committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Committee; and

BE IT FURTHER RESOLVED that the Committee shall study problems and solutions, collect information and provide recommendations in a report to the General Assembly before December 31, 2002;

BE IT FURTHER RESOLVED that the Committee shall submit its final report to the General Assembly no later than December 31, 2003; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall terminate December 31, 2003; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 46**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 44**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 41**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 36**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of James E.

O'Mara, as a member of the Missouri Development Finance Board, begs leave to report that it has considered the same and recommends that the appointment be passed out of committee without a recommendation.

Senator House moved that the Senate give its advice and consent to the above appointment.

Senator Loudon offered a substitute motion that the appointment of James E. O'Mara to the Missouri Development Finance Board be sent back to the Governor.

At the request of Senator Loudon, his substitute motion was withdrawn.

Senator Foster offered a substitute motion that the appointment of James E. O'Mara to the Missouri Development Finance Board be returned to the Committee on Gubernatorial Appointments.

At the request of Senator Foster, his substitute motion was withdrawn.

Senator House renewed his motion that the Senate give its advice and consent to the appointment of James E. O'Mara, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1672**, entitled:

An Act to repeal sections 32.052 and 143.183, RSMo, and to enact in lieu thereof two new sections relating to income tax revenues from nonresidents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1581**, entitled:

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to the state highway patrol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1418**, entitled:

An Act to repeal sections 253.080 and 253.082, RSMo, and to enact in lieu thereof five new sections relating to state parks.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1765**, entitled:

An Act to amend chapter 144, RSMo, by adding thereto five new sections relating to simplified sales and use tax administration, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1906**, entitled:

An Act to repeal section 33.571, RSMo, and to enact in lieu thereof two new sections relating to state funds, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Bland offered Senate Resolution No. 1160, regarding Dr. Carolyn L. Gordon, Kansas City, which was adopted.

COMMUNICATIONS

Senator Kenney submitted the following:

March 7, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the Tourism Caucus.

Pursuant to a request from the committee, Senator Paula Carter, now deceased, has been removed from the list and the remainder of the Senate members has been added. A list of members is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

TOURISM CAUCUS - STATE SENATE MEMBERS

Roseann Bentley Betty Sims

Mary Bland Marvin Singleton

Harold Caskey Sarah Steelman

John Cauthorn Morris Westfall

Doyle Childers Harry Wiggins

Pat Dougherty Anita Yeckel

Ronnie DePasco David Klarich

Bill Foster Maida Coleman

Chuck Gross Michael Gibbons

Ted House Wayne Goode

Bill Kenney Ken Jacob

Peter Kinder Sidney Johnson

David Klindt Harry Kennedy

Jim Mathewson John Loudon

Ed Quick Larry Rohrbach

John Russell Danny Staples

John Schneider Stephen Stoll

Senator Caskey submitted the following:

March 7, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Terry:

I respectfully request that Senate Bill 1140 be removed from the Consent Calendar. SB 1140 deals with new uses of moneys in a restricted fund within the Department of Health and Senior Services and is controversial in nature.

Thank you.

Very truly yours,

/s/ Harold Caskey

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Don Rackers and James Rackers, Jefferson City.

Senator Yeckel introduced to the Senate, the Physician of the Day, Dr. Joe Forand, his wife, Cathy, their daughter, Katy and his mother-in-law, Joanne Merkle, St. Louis County.

Senator Kennedy introduced to the Senate, 25 fourth grade students from St. Cecilia School, St. Louis; and Johana Rosas and Joe Lowry were made honorary pages.

Senator Steelman introduced to the Senate, Cami Webb, Casey Echelmeier, Debbie Sanderson and 72 fourth grade students from McIntire School, Fulton; and Jenna Holt, Sarah Schlemeier and John Hyde were made honorary pages.

Senator Loudon introduced to the Senate, Patrick Kirby, Fulton.

Senator Schneider introduced to the Senate, students from St. Angela Merici School, Florissant; and John Reddan, Erin Roesler, Christopher Schlemmer and Shanna Smith were made honorary pages.

Senator House introduced to the Senate, 12 citizens from Montgomery County.

Senator Cauthorn introduced to the Senate, Ms. Tatum Thurman, Mrs. Mary Carnahan, Mrs. Betty Ross and 14 fourth grade students from Atlanta C-III Schools, Macon County; and Josh Harris, Samantha Halley, Jesse Shelmadine and Matt Close were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 3:00 p.m., Monday, March 11, 2002.

SENATE CALENDAR

THIRTY-SIXTH DAY-MONDAY, MARCH 11, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1248-Mathewson and

Kenney

SB 1249-Mathewson

SB 1267-Westfall

SB 1268-Westfall

SB 1269-Cauthorn

SB 1270-Klindt

SB 1271-Klindt

SB 1272-Klindt

SB 1273-Goode

SB 1274-Gibbons

SB 1275-Gibbons

SB 1276-Gibbons

SB 1277-Caskey

SB 1278-Bland

SB 1280-Rohrbach

SJR 38-Cauthorn and Steelman

SJR 39-Gross and House

SJR 40-Westfall

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1402-Burton, et al

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,
et al, with SCS

2. SBs 721, 757, 818 &
930-Westfall, with SCS

3. SB 665-Kenney

4. SB 836-Gross and
Dougherty, with SCS

5. SB 840-Gross and Russell,
with SCS

6. SB 740-Wiggins

7. SB 687-Gibbons and Yeckel

8. SB 959-Kenney and
Kinder, with SCS

9. SBs 817, 978 & 700-
Gross, with SCS

10. SBs 837, 866, 972 &
990-Cauthorn, with SCS
11. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
12. SBs 894, 975 & 927-
Kinder, with SCS
13. SBs 670 & 684-Sims,
with SCS
14. SB 1005-Loudon
15. SBs 741, 929 & 871-
Wiggins, with SCS
16. SBs 1061 & 1062-
Rohrbach and Kenney,
with SCS
17. SBs 843 & 658-Stoll,
with SCS
18. SB 647-Goode, with SCS
19. SBs 969, 673 & 855-
Westfall and Bentley,
with SCS
20. SB 1059-Bentley, et al,
with SCS
21. SB 1052-Sims, with SCS
22. SB 884-DePasco and
Kenney, with SCS
23. SBs 984 & 985-
Steelman, with SCS

24. SB 1046-Gross and
House, with SCS
25. SB 1103-Westfall, et al
26. SBs 915, 710 & 907-
Westfall, et al, with SCS
27. SBs 923, 828, 876, 694
& 736-Sims, with SCS
28. SB 676-Yeckel, et al,
with SCS
29. SB 900-Goode, et al,
with SCS
30. SB 1107-Childers, with SCS
31. SB 912-Mathewson,
with SCS
32. SB 892-Kenney, with SCS
33. SB 910-Gibbons
34. SB 1104-Mathewson
35. SB 954-Loudon, with SCS
36. SB 1014-Klindt and Kinder
37. SB 1152-Klarich, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 651-Singleton and
Russell, with SCS (pending)
- SB 659-House and Kenney,
with SS#2, SA 3 and

SSA 1 for SA 3 (pending)
SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
SB 668-Bentley, with SS &
SA 1 (pending)
SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SBs 958 & 657-Kinder,
with SCS
SBs 970, 968, 921, 867,
868 & 738-Westfall, et al,
with SCS, SS for SCS,
SS for SS for SCS &
SA 6 (pending)
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/25

SB 1071-Klindt, with SCS

Reported 2/26

SB 988-Caskey, with SCS

SBs 1086 & 1126-DePasco,
with SCS

SB 1004-Loudon, with SCA 1

SB 1106-Klarich, with SCS

SB 962-Wiggins

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell

Reported 3/4

SB 1151-Kinder, with SCS

SB 794-Bland

SB 1050-Foster

SB 859-Russell

SB 821-Dougherty and Gross,
with SCS

SB 1012-Caskey, with SCA 1

SB 1102-Westfall

SB 980-Singleton and

Schneider, with SCS

Reported 3/5

SB 810-Dougherty, with SCS

SB 1028-Russell

SB 1143-Jacob

SB 1007-Stoll, with SCS

SB 1210-Johnson, with SCS

SB 1186-Kenney

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

Reported from Committee

SR 1054-Singleton

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 53-Cauthorn, with SCS

SCR 47-Childers, with SCS

SCR 46-Dougherty

SCR 44-Cauthorn, et al

SCR 41-Rohrbach

SCR 36-Bentley, et al

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY--MONDAY, MARCH 11, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"In you O Lord, I take refuge; let me never be put to shame." (Psalm 71:1)

Merciful Father, we join our fellow citizens in remembering the events of September 11th and the brokenness we experienced in the violence and death terrorists brought to our land. We pray, touch the hearts of those whose grief continues and survivors who experience terror revisited at night. You provide us support and comfort when we feel most broken. You soothe us with Your healing balm that over time mends our hearts and spirits. And You give to us the resolve to follow Your will as You provide us the courage to do what we as individuals of a great country must do. Instill in us, we pray, the vision we must have to be part of the process that strengthens our country and safeguards our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 7, 2002, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 1161, regarding Isaac John Rickert, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1162, regarding Kevin Andrew Woods, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1163, regarding Brad Norman Bartholow, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1164, regarding Charles Thomas Perry, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1165, regarding Matthew James Rich, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1166, regarding Braden M. Spangler, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1167, regarding Gregory Neville "Greg" Lane, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1168, regarding Matthew Bryant "Matt" King, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1169, regarding Gregory E. "Greg" Gentry, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1170, regarding Christopher James "Chris" Corwin, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1171, regarding Jason Michael Wells Brownell, Lake Waukomis, which was adopted.

Senator Johnson offered Senate Resolution No. 1172, regarding William David Patrick "Billy" Brady, Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 1173, regarding the Hillsboro R-III School District, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 1174, regarding the Festus R-VI School District, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 1175, regarding the Fox C-6 School District, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 1176, regarding Festus High School, which was adopted.

Senator Yeckel offered Senate Resolution No. 1177, regarding Bob Keeling, which was adopted.

Senator Yeckel offered Senate Resolution No. 1178, regarding Michael G. Smith, which was adopted.

Senator Yeckel offered Senate Resolution No. 1179, regarding Russell Keck, which was adopted.

Senator Yeckel offered Senate Resolution No. 1180, regarding Donna Unterreiner, which was adopted.

Senator Yeckel offered Senate Resolution No. 1181, regarding Aimee Mankus, which was adopted.

Senator Yeckel offered Senate Resolution No. 1182, regarding Dianna Snyder, which was adopted.

Senator Yeckel offered Senate Resolution No. 1183, regarding Krista Doyle, which was adopted.

Senator Yeckel offered Senate Resolution No. 1184, regarding Christina Fedorchak, which was adopted.

Senator Yeckel offered Senate Resolution No. 1185, regarding Jody Huster, which was adopted.

Senator Yeckel offered Senate Resolution No. 1186, regarding Ann Zimpfer, which was adopted.

Senator Yeckel offered Senate Resolution No. 1187, regarding Mike Dittrich, which was adopted.

Senator Yeckel offered Senate Resolution No. 1188, regarding John P. Robinson, which was adopted.

Senator Yeckel offered Senate Resolution No. 1189, regarding Barbara Schuette, which was adopted.

Senator Yeckel offered Senate Resolution No. 1190, regarding Brenda Wagstaff, which was adopted.

Senator Yeckel offered Senate Resolution No. 1191, regarding Michelle Eggold, which was adopted.

Senator House offered Senate Resolution No. 1192, regarding the Boone-Duden Historical Society, New Melle, which was adopted.

Senator Kinder offered Senate Resolution No. 1193, regarding Sheila Upchurch, Marble Hill, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1194, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J. Caryle Carter, LaPlata, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1195, regarding Shaun Diltz, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1196, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis Gashwiler, Novinger, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1197, regarding Corrections Officer I Darion L. Sexton, Hannibal, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1198, regarding Donald Victor Cline, Jefferson City, which was adopted.

Senator Kenney offered Senate Resolution No. 1199, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jason T. White, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1200, regarding Caleb Jaris Billings, Buckner, which was adopted.

Senator Kenney offered Senate Resolution No. 1201, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William "Bill" Sperry, Independence, which was adopted.

Senator Yeckel offered Senate Resolution No. 1202, regarding the Affton 101 School District, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 1203, regarding the Lindbergh R-VIII School District, St. Louis County, which was adopted.

THIRD READING OF SENATE BILLS

SB 1071, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal sections 413.005, 413.015, 413.055, 413.065, 413.075, 413.085, 413.115, 413.125, 413.135, 413.145, 413.155, 413.165, 413.225, 413.227 and 413.229, RSMo, relating to weights and measures, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1071**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1071

An Act to repeal sections 413.005, 413.015, 413.055, 413.065, 413.075, 413.085, 413.115, 413.125, 413.135, 413.145, 413.155, 413.165, 413.225, 413.227 and 413.229, RSMo, relating to weights and measures, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1071** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 1071** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Gibbons	Goode
House	Jacob	Kenney	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Dougherty	Foster	Gross
Kennedy	Kinder	Klarich	Loudon
Quick	Staples--10		
	Absent with leave--Senator Johnson--1		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 988, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

Was called from the Consent Calendar and taken up.

SCS for **SB 988**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 988

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

Was taken up.

Senator Caskey moved that **SCS** for **SB 988** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 988** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Gibbons	Goode
House	Jacob	Kenney	Klindt

Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Dougherty	Foster	Gross
Kennedy	Kinder	Klarich	Loudon
Quick	Staples--10		
	Absent with leave--Senator Johnson--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1086, introduced by Senator DePasco, and **SB 1126**, introduced by Senator Quick, with **SCS**, entitled respectively:

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to control of weeds and trash.

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to removal of weeds.

Were called from the Consent Calendar and taken up by Senator DePasco.

SCS for **SBs 1086** and **1126**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1086 and 1126

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to removal of weeds.

Was taken up.

Senator DePasco moved that **SCS** for **SBs 1086** and **1126** be adopted, which motion prevailed.

On motion of Senator DePasco, **SCS** for **SBs 1086** and **1126** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Kenney
Kinder	Klarich	Klindt	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Gross	Kennedy
Loudon	Quick	Staples--7	
	Absent with leave--Senator Johnson--1		

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Singleton assumed the Chair.

Senator Klarich raised the point of order that the Committee on Pensions and General Laws was meeting while the Senate was in session contrary to Senate Rule 35; and as a result the actions of that committee would need to be re-voted.

The point of order was referred to the President Pro Tem, who ruled it well taken in part, stating that **SB 1279** would need to be re-voted, but action

on bills prior to that occurred before Session began.

President Maxwell assumed the Chair.

Senator Kenney moved that Senators Gross, Foster, Kinder, Klarich, Loudon, Dougherty, Quick, Staples and Kennedy be shown as absent with leave on the votes recorded on **SCS** for **SB 1071** and **SCS** for **SB 988**, which motion prevailed.

The recorded roll call vote taken on 3rd reading and final passage of **SCS** for **SB 1071** is as follows:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Gibbons	Goode
House	Jacob	Kenney	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
NAYS--Senators--None			
Absent--Senator Coleman--1			
Absent with leave--Senators			
Dougherty	Foster	Gross	Johnson
Kennedy	Kinder	Klarich	Loudon
Quick	Staples--10		

The recorded roll call vote taken on 3rd reading and final passage of **SCS** for **SB 988** is as follows:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Gibbons	Goode
House	Jacob	Kenney	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
NAYS--Senators--None			
Absent--Senator Coleman--1			
Absent with leave--Senators			
Dougherty	Foster	Gross	Johnson
Kennedy	Kinder	Klarich	Loudon
Quick	Staples--10		

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 970**, **SB 968**, **SB 921**, **SB 867**, **SB 868** and **SB 738**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

At the request of Senator Childers, the above amendment was withdrawn.

Senator DePasco offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5 of said page, by inserting immediately after said line the following:

- "304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet in height.
2. No motor vehicle operating exclusively within any said area shall have a greater weight than twenty-two thousand four hundred pounds on one axle.

3. The "commercial zone" of the city is defined to mean that area within the city together with the territory extending one mile beyond the corporate limits of the city and one mile additional for each fifty thousand population or portion thereof provided, however, the commercial zone surrounding a city not within a county shall extend eighteen miles beyond the corporate limits of any such city not located within a county and shall also extend throughout any first class charter county which adjoins that city; further, provided, however, the commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend [twelve] **fifteen** miles beyond the corporate limits of any such city. In no case shall the commercial zone of a city be reduced due to a loss of population. The provisions of this section shall not apply to motor vehicles operating on the interstate highways in the area beyond two miles of a corporate limit of the city unless the United States Department of Transportation increases the allowable weight limits on the interstate highway system within commercial zones. In such case, the mileage limits established in this section shall be automatically increased only in the commercial zones to conform with those authorized by the United States Department of Transportation.

4. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from designating the routes over which such vehicles may be operated."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Foster offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5, by inserting immediately after said line the following:

"23. If a design-build highway project contract authorized by section 227.107, RSMo is funded solely with state or local funds the provisions of section 34.076, RSMo regarding award of contracts and Missouri domiciled contractors or bidders, shall apply to design-builders submitting proposals on such project. Whether funded with federal, state or local funds the design-builder awarded the contract for such project shall perform work in actual construction of the project amounting to not less than fifty percent of construction costs. Within thirty days of the award of a design-build highway project to a design builder whose principle office is located outside of this state, the design builder shall submit to the state department of transportation a goal for the amount of actual construction work it plans to subcontract to companies located within this state and a goal for the number of Missouri domiciled workers the design-builder plans to employ in construction through its own forces or through subcontractors. The design-builder shall submit a monthly report to the state department of transportation during the period of the contract regarding how it is meeting goals established by this subsection for disadvantaged business enterprise participation, subcontract-ing with Missouri companies and employment of Missouri workers. Monthly reports shall be submitted by the fifteenth day of each month during the period of the design-build contract for the preceding month."

Senator Foster moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 8**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 227.107, Line 12, by inserting after the period the following: **"The authority granted to the state highways and transportation commission by this section shall be limited to a total of three design-build project contracts."**

Senator Goode moved that the above substitute amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 2, Section 136.055, Line 25 to line 27, by striking all of said lines.

Senator Kennedy moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5, by inserting immediately after said line the following:

"304.282. 1. Wherever used in this section the following terms mean:

(1) "Automated traffic control enforcement system", a device with one or more motor vehicle sensors working in conjunction with a traffic

control signal to automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of a red signal indication;

(2) "Owner", the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Ten cities designated by the director of the department of public safety with reference to any intersection involving highways, roads or streets under its jurisdiction, except a state highway as defined in section 304.001, may adopt an ordinance authorizing the use of an automated traffic control signal enforcement system to detect motor vehicles entering an intersection in violation of a red signal indication authorized pursuant to section 304.281. The ordinance adopted by the city shall limit the use of an automated traffic control signal enforcement system to no more than three intersections within the city's jurisdictional limits.

3. Any city adopting an ordinance to establish an automated traffic control enforcement system may also enter into an agreement with the state highways and transportation commission regarding the installation and use of an automated traffic control enforcement system on a state highway within the boundaries of such city.

4. Photos obtained from an automated traffic control signal enforcement system along with proof of identity of the owner in whose name such motor vehicle is registered shall raise a rebuttable presumption that such owner was the person who committed the violation. Any owner issued a summons is responsible and liable for payment of a fine and court costs, unless the owner can furnish evidence that the motor vehicle was in the care, custody or control of another person at the time of the violation. In such instance the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the alleged violation, subject to the penalties for perjury. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle at the time of violation. In such case, the court shall have the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator of the motor vehicle at the time of the violation. If the motor vehicle is alleged to have been stolen, the owner of the motor vehicle shall submit proof that a police report was filed indicating that the motor vehicle was stolen at the time of the alleged violation.

5. A summons issued pursuant to this section shall be sent by certified mail to the most recent address of the owner of the motor vehicle within twenty-one days of the violation. The cost of issuing the certified letter may be charged in addition to the fine imposed pursuant to subsection 10 of this section. The summons shall include the date, time and location of the violation, a photo of the motor vehicle's license plate, and a photo of the actual violation as detected by the automated traffic control signal enforcement system. The summons must also include instructions on how to dispose of the violation through court appearance or payment of the fine and costs.

6. Any city that establishes a traffic control signal enforcement pursuant to the provisions of this section shall make a public announcement of any automated traffic control signal enforcement system at least thirty days prior to its official use.

7. Signs indicating the system's presence shall be visible to traffic approaching from all directions at any location which is equipped with an automated traffic control signal enforcement system.

8. Any city that establishes an automated traffic control enforcement system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control enforcement systems. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. The city may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding the owner in order to prepare and mail summonses on behalf of the city.

9. Photographic records made by a traffic control signal enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

10. No points shall be assessed, as described in section 302.302, RSMo, and no fine, including court costs, shall exceed fifty dollars for a violation obtained through the use of an automated traffic control enforcement system.

11. One year following the adoption of an ordinance by any city described in subsection 2 of this section, the department of transportation shall issue a report as to the effectiveness of the use of automated traffic control signal enforcement systems. The report shall include, but not be limited to, recommendations of whether such a system shall be instituted on a statewide basis. The report shall be delivered to the individual members of the general assembly.

12. The provisions of this section shall expire on August 28, 2007."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Steelman offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32,

Section 227.107, Line 5, by inserting after all of said line the following:

"234.032. 1. The general assembly may annually appropriate up to one million dollars from the state revenue fund to fund a project to upgrade nonstate highway system bridges. Moneys so appropriated shall be transferred to the department of transportation, which shall administer the project. Moneys appropriated for this project shall be kept separate from all other funds of the department and shall be expended for the purposes specified in this section and for no other purpose. The department shall establish procedures to ensure accountability for the project funds and shall submit an annual report and such information as the governor may require concerning the activity of the project funds.

2. The department shall establish appropriate procedures, in accordance with the purposes of this section for selection of project bridges. The department shall utilize one of the innovation centers authorized by section 348.271, RSMo, as the contracting organization for this project.

3. Moneys from the project funds shall be used for the analysis and reinforcement of existing nonstate highway system bridges that require strengthening to eliminate load posting. No bridges that are currently under the responsibility for repair or maintenance by the department of transportation shall be eligible for this project.

4. The project shall utilize the center for infrastructure engineering studies at the University of Missouri-Rolla for selection of the applicable bridges that can be strengthened and the lifespan extended by use of technology that has been developed and tested there. The selection shall be approved by the department of transportation. The selection of bridges shall consider the following criteria:

- (1) Those bridges whose usage has been seriously hampered by load posting;**
- (2) Those bridges that have been approved by the local authority to be included in this project;**
- (3) Those bridges for which the technology can restore the strength requirements to lift the load posting;**
- (4) Those bridges that restoration can provide the greatest local economic impact; and**
- (5) Those bridges that, combined together, provide the best overall impact on the state.**

5. The center for infrastructure engineering studies at the University of Missouri-Rolla shall create and lead an industry consortium to perform the structural analysis and technology application required for the strengthening of the selected bridges, create the required technical data, and provide technology transfer to local communities.

6. The University of Missouri-Rolla shall match every two dollars appropriated with this project pursuant to this section with one dollar from its operating funds. Additional funding for this project may come from:

- (1) Local county, city, and/or townships;**
- (2) Transportation districts;**
- (3) Federal government; and**
- (4) Private contributions.**

7. For the University of Missouri-Rolla, only those expenses which are usually and customarily attendant to academic research shall be provided, including, without limitation, salaries of principal directors and assistants and the purchase of equipment and supplies. Moneys in the projects funds shall in no event be used to defray costs normally attributed to institutional overhead. The chargeability of any disputed item shall be determined by the department, and decisions of the department with respect to selection of applied projects shall be final.

8. Reasonable and necessary administrative costs for the solicitation and evaluation of projects proposals, and for the preparation of reports concerning the project funds, shall be chargeable to the project, subject to the approval of the department. All other expenses attendant to the administration of the project funds, including solicitation of private contributions and the administration of individual grants, shall be borne by the appropriate institution. All expenses charged to the project funds shall be itemized and shall be included in the department's annual report."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5, by inserting after all of said line the following:

"304.001. As used in this chapter and chapter 307, RSMo, the following terms shall mean:

- (1) "Abandoned property", any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from

public or private property as provided in sections 304.155 and 304.157, whether or not operational **or any motor vehicle involved in an accident whereby a law enforcement official requests such vehicle to be removed from the scene because the operator or owner is unable to arrange for the abandoned property's timely removal;**

(2) "Commercial vehicle enforcement officers", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles;

(3) "Commercial vehicle inspectors", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to supervise or operate permanent or portable weigh stations in the enforcement of commercial vehicle laws;

(4) "Commission", the state highways and transportation commission;

(5) "Department", the state transportation department;

(6) "Freeway", a divided state highway with four or more lanes, with no access to the throughways except the established interchanges and with no at-grade crossings;

(7) "Interstate highway", a state highway included in the national system of interstate highways located within the boundaries of Missouri, as officially designated or as may be hereafter designated by the state highways and transportation commission with the approval of the Secretary of Transportation, pursuant to Title 23, U.S.C., as amended;

(8) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state highway patrol;

(9) "Off-road vehicle", any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without benefit of a road or trail:

(a) Including, without limitation, the following:

a. Jeeps;

b. All-terrain vehicles;

c. Dune buggies;

d. Multiwheel drive or low-pressure tire vehicles;

e. Vehicle using an endless belt, or tread or treads, or a combination of tread and low-pressure tires;

f. Motorcycles, trail bikes, minibikes and related vehicles;

g. Any other means of transportation deriving power from any source other than muscle or wind; and

(b) Excluding the following:

a. Registered motorboats;

b. Aircraft;

c. Any military, fire or law enforcement vehicle;

d. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;

e. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site;

f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; and

g. Any vehicle being used for the purpose of transporting a handicapped person;

(10) "Person", any natural person, corporation, or other legal entity;

(11) "Right-of-way", the entire width of land between the boundary lines of a state highway, including any roadway;

(12) "Roadway", that portion of a state highway ordinarily used for vehicular travel, exclusive of the berm or shoulder;

(13) "State highway", a highway constructed or maintained by the state highways and transportation commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way;

(14) "Towing company", any person or entity which tows, removes or stores abandoned property;

(15) "Urbanized area", an area with a population of fifty thousand or more designated by the Bureau of the Census, within boundaries to be fixed by the state highways and transportation commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 227.107, Line 12 of said page, by inserting immediately after the word "contracts." the following: "**Design-build projects authorized by this section shall be selected by the highways and transportation commission from 1992 fifteen year plan projects included in the current statewide transportation improvement program approved by the commission. Authority to enter into design-build projects granted by this section shall expire on July 1, 2012, unless extended by statute or upon completion of three projects, whichever is first.**".

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 13** was withdrawn.

Senator Rohrbach offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 227.107, Line 12 of said page, by inserting immediately after the word "contracts." the following: "**Design-build projects authorized by this section shall be selected by the highways and transportation commission from 1992 fifteen year plan projects. Authority to enter into design-build projects granted by this section shall expire on July 1, 2012, unless extended by statute or upon completion of three projects, whichever is first.**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 1, Section A, Line 6 of said page, by inserting immediately after said line the following:

"92.402. 1. Any city may, by a majority vote of its council or governing body, impose a sales tax for the benefit of the public mass transportation system operating within such city as provided in sections 92.400 to 92.421.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Seven and one-half percent of the sales tax shall be distributed to the interstate transportation authority pursuant to the provisions of section 92.421. [The remainder of the tax in excess of such seven and one-half percent shall expire] On December 31, 2003, [on which date] the authority shall be in full compliance with handicapped accessibility pursuant to the terms of the Americans with Disabilities Act.

3. Within ten days after the adoption of any ordinance imposing such a sales tax, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the council or governing body. The ordinance shall reflect the effective date thereof and shall be accompanied by a map of the city clearly showing the boundaries thereof.

4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 92.400 to 92.421 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 15** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Wiggins offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 155.080, Line 22 of said page, by inserting after all of said line the following:

"226.200. 1. There is hereby created a "State Highways and Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

- (1) Money arising from the sale of bonds;
- (2) Money received from the United States government; or
- (3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. [Subject to the limitations of subsection 3 of this section, from said fund shall be paid or credited the cost:

- (1) Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;
- (2) Of maintaining the state highways and transportation commission;
- (3) Of maintaining the state transportation department;
- (4) Of any workers' compensation for state transportation department employees;
- (5) Of the share of the transportation department in any retirement program for state employees, only as may be provided by law; and
- (6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

3. For all future fiscal years, the total amount of appropriations from the state highways and transportation department fund for all state offices and departments shall not exceed the total amount appropriated for such offices and departments from said fund for fiscal year 2001.

4. The provisions of subsection 3 of this section shall not apply to appropriations from the state highways and transportation department fund to the highways and transportation commission and the state transportation department or to appropriations to the office of administration for department of transportation employee fringe benefits and OASDHI payments, or to appropriations to the department of revenue for motor vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the state highways and transportation department fund.

5.] The general assembly may only make appropriations from the state highways and transportation fund for the highways and transportation commission, the department of transportation, the state highway patrol, the office of administration and the department of revenue.

3. Appropriations from the state highways and transportation department fund for the office of administration are permissible only for instances in which payments are to be made for, or on behalf of, the highways and transportation commission, the department of transportation or the state highway patrol. Examples of acceptable appropriations from said fund for the office of administration include, but are not limited to, payments for federal payroll taxes, deferred compensation programs, unemployment insurance, legal expense fund, property leases, maintenance and repair and capital improvements.

4. Appropriations from the state highways and transportation department fund for the department of revenue are permissible only for payment of refunds.

5. There is hereby established a limitation on expenditures by the state highway patrol from the state highways and transportation department fund. The purpose of this limit is to ensure that adequate funds are available from the state highways and transportation department fund to support operation of the state highways and transportation commission and the department of transportation.

6. The initial limit, which shall be in effect for fiscal year 2003, shall be equivalent to the total fiscal year 2003 state highways and transportation department fund appropriations to the state highway patrol.

7. For fiscal year 2004 and each fiscal year thereafter, the limit shall be determined as follows: the state revenues paid or transferred into the state highways and transportation department fund during the second preceding fiscal year shall be compared to the total paid or transferred into said fund during the third preceding fiscal year to determine the percentage by which the revenues and transfers to the fund increased or decreased. If the percentage amount increased, the limit in effect during the preceding fiscal year shall be increased by said percentage. If the percentage amount decreased, the limit shall remain the same as in the preceding fiscal year.

8. In the event that expenditures from the state highways and transportation department fund exceed the limit established by this section, the commissioner of administration shall transfer said amount from the general revenue fund to the state road fund. Said transfer shall occur in the fiscal year immediately following the fiscal year in which the limitation was exceeded.

9. The provisions of subsections 5, 6, 7 and 8 of this section shall not apply to appropriations or expenditures from the state highways and transportation department fund for state highway patrol fringe benefits or refunds.

10. All interest earned upon the state highways and transportation department fund shall be deposited in and to the credit of such fund.

[6.] **11.** Any balance remaining in said fund after payment of said costs shall be transferred to the state road fund.

[7.] **12.** Notwithstanding the provisions of subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the transportation department."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Childers assumed the Chair.

Senator Singleton offered **SA1** to **SA 16**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 16

Amend Senate Amendment No. 16 to Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 155.080, Line 1, by, inserting after all of said line the following:

"43.080. [The superintendent is authorized and empowered to prescribe policies providing for increases every five years in the salaries of such members beginning with the sixth year of service, and thereafter to fix the salaries of such members in accordance therewith, except that no such five-year increase shall exceed ten percent of the member's salary.] The "service" of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by reenlistment, waiver of discharge, acceptance of commission or any other action, with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called.

104.080. Each member may retire at the end of the month during which such member shall reach normal retirement age with a normal annuity except that any patrolman may retire at age fifty-five with a normal annuity [and shall retire at age sixty]. Notwithstanding any other provisions to the contrary, any member who continues his employment with the transportation department or as a civilian member of the highway patrol after attaining seventy and one-half years of age shall receive service retirement benefits during the continuation of his employment if and to the extent that payment of such service retirement benefits is required by the Internal Revenue Code of 1986, as amended, and Treasury regulations promulgated thereunder; and such service retirement benefits shall be adjusted annually for additional benefits which shall accrue by reason of such continued employment in accordance with the rules and regulations of the board of trustees.

104.1003. Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

- (1) "Act", the "Year 2000 Plan" created by sections 104.1003 to 104.1093;
- (2) "Actuary", an actuary who is experienced in retirement plan financing and who is either a member of the American Academy of Actuaries or an enrolled actuary under the Employee Retirement Income Security Act of 1974;
- (3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds provided for in, or authorized by, sections 104.1003 to 104.1093;
- (4) "Annuity starting date" means the first day of the first month with respect to which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;
- (5) "Beneficiary", any person or entity entitled to receive an annuity or other benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;
- (6) "Board of trustees", "board", or "trustees", a governing body or bodies established for the year 2000 plan pursuant to sections 104.1003 to 104.1093;
- (7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a member of the closed plan, but the closed plan shall continue to function for the benefit of persons covered by and remaining in the closed plan and their beneficiaries;
- (8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

- (9) "Credited service", the total credited service to a member's credit as provided in sections 104.1003 to 104.1093;
- (10) "Department", any department or agency of the executive, legislative, or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system under this chapter as otherwise provided by law;
- (11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the completion of at least five years of credited service;
- (12) "Effective date", July 1, 2000;
- (13) "Employee" shall be any person who is employed by a department and is paid a salary or wage by a department in a position normally requiring the performance of duties of not less than one thousand hours per year, provided:
- (a) The term "employee" shall not include any patient or inmate of any state, charitable, penal or correctional institution, or any person who is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;
- (b) The term "employee" shall be modified as provided by other provisions of sections 104.1003 to 104.1093;
- (14) "Employer", a department;
- (15) "Executive director", the executive director employed by a board established under the provisions of sections 104.1003 to 104.1093;
- (16) "Final average pay", the average pay of a member for the thirty-six full consecutive months of service before termination of employment when the member's pay was greatest; or if the member was on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of pay the member would have received but for such leave of absence as reported and verified by the employing department; or if the member was employed for less than thirty-six months, the average monthly pay of a member during the period for which the member was employed;
- (17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to 104.1093;
- (18) "Investment return", "interest", rates as shall be determined and prescribed from time to time by a board;
- (19) "Member", a person who is included in the membership of the system, as set forth in section 104.1009;
- (20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age and the completion of at least five or more years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty [or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provisions of section 104.080, the mandatory retirement age and completion of five years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty];
- (21) "Pay" shall include:
- (a) All salary and wages payable to an employee for personal services performed for a department; but excluding:
- a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000;
- b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave; and
- c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal laws or regulations;
- (b) All salary and wages which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;
- (c) All salary and wages which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department;
- (d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to section 21.140, RSMo, plus any salary adjustment pursuant to section 21.140, RSMo;
- (22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the person's employment record;
- (23) "State", the state of Missouri;
- (24) "System" or "retirement system", the Missouri state employees' retirement system or the transportation department and highway patrol retirement system, as the case may be;
- (25) "Vested former member", a person entitled to receive a deferred annuity pursuant to section 104.1036;

(26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1 to SA 16** is out of order as it is in the third degree.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered **SSA 1** for **SA 16**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 1, Section A, Line 6, by inserting after all of said line the following:

"43.080. [The superintendent is authorized and empowered to prescribe policies providing for increases every five years in the salaries of such members beginning with the sixth year of service, and thereafter to fix the salaries of such members in accordance therewith, except that no such five-year increase shall exceed ten percent of the member's salary.] The "service" of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by reenlistment, waiver of discharge, acceptance of commission or any other action, with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called.

104.080. Each member may retire at the end of the month during which such member shall reach normal retirement age with a normal annuity except that any patrolman may retire at age fifty-five with a normal annuity [and shall retire at age sixty]. Notwithstanding any other provisions to the contrary, any member who continues his employment with the transportation department or as a civilian member of the highway patrol after attaining seventy and one-half years of age shall receive service retirement benefits during the continuation of his employment if and to the extent that payment of such service retirement benefits is required by the Internal Revenue Code of 1986, as amended, and Treasury regulations promulgated thereunder; and such service retirement benefits shall be adjusted annually for additional benefits which shall accrue by reason of such continued employment in accordance with the rules and regulations of the board of trustees.

104.1003. Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

(1) "Act", the "Year 2000 Plan" created by sections 104.1003 to 104.1093;

(2) "Actuary", an actuary who is experienced in retirement plan financing and who is either a member of the American Academy of Actuaries or an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds provided for in, or authorized by, sections 104.1003 to 104.1093;

(4) "Annuity starting date" means the first day of the first month with respect to which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

(5) "Beneficiary", any person or entity entitled to receive an annuity or other benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;

(6) "Board of trustees", "board", or "trustees", a governing body or bodies established for the year 2000 plan pursuant to sections 104.1003 to 104.1093;

(7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a member of the closed plan, but the closed plan shall continue to function for the benefit of persons covered by and remaining in the closed plan and their beneficiaries;

(8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(9) "Credited service", the total credited service to a member's credit as provided in sections 104.1003 to 104.1093;

(10) "Department", any department or agency of the executive, legislative, or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system under this chapter as otherwise provided by law;

- (11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the completion of at least five years of credited service;
- (12) "Effective date", July 1, 2000;
- (13) "Employee" shall be any person who is employed by a department and is paid a salary or wage by a department in a position normally requiring the performance of duties of not less than one thousand hours per year, provided:
- (a) The term "employee" shall not include any patient or inmate of any state, charitable, penal or correctional institution, or any person who is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;
- (b) The term "employee" shall be modified as provided by other provisions of sections 104.1003 to 104.1093;
- (14) "Employer", a department;
- (15) "Executive director", the executive director employed by a board established under the provisions of sections 104.1003 to 104.1093;
- (16) "Final average pay", the average pay of a member for the thirty-six full consecutive months of service before termination of employment when the member's pay was greatest; or if the member was on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of pay the member would have received but for such leave of absence as reported and verified by the employing department; or if the member was employed for less than thirty-six months, the average monthly pay of a member during the period for which the member was employed;
- (17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to 104.1093;
- (18) "Investment return", "interest", rates as shall be determined and prescribed from time to time by a board;
- (19) "Member", a person who is included in the membership of the system, as set forth in section 104.1009;
- (20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age and the completion of at least five or more years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty [or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provisions of section 104.080, the mandatory retirement age and completion of five years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty];
- (21) "Pay" shall include:
- (a) All salary and wages payable to an employee for personal services performed for a department; but excluding:
- a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000;
- b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave; and
- c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal laws or regulations;
- (b) All salary and wages which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;
- (c) All salary and wages which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department;
- (d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to section 21.140, RSMo, plus any salary adjustment pursuant to section 21.140, RSMo;
- (22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the person's employment record;
- (23) "State", the state of Missouri;
- (24) "System" or "retirement system", the Missouri state employees' retirement system or the transportation department and highway patrol retirement system, as the case may be;
- (25) "Vested former member", a person entitled to receive a deferred annuity pursuant to section 104.1036;
- (26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above substitute amendment be adopted, which motion failed.

SA 16 was again taken up.

At the request of Senator Wiggins, the above amendment was withdrawn.

Senator Gross offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 155.080, Line 22, by inserting after all of said line the following:

"226.201. Beginning the first fiscal year following the effective date of this act, ten percent of the growth in gross general revenue receipts, less refunds, from the second preceding fiscal year to the immediately preceding fiscal year in which actual gross general revenue receipts and refunds are known, shall be deposited in the state road fund, as established in section 226.200."

Senator Gross moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 226.540, Line 29, by inserting before the word "industrial" the following: **"agricultural,"**.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Caskey offered **SA 19**, which was read:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 9, Section 226.540, Lines 13-14, by deleting the brackets on line 13 and deleting the words **"one thousand four hundred"** on line 14.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Westfall, **SB 970, SB 968, SB 921, SB 867, SB 868** and **SB 738**, with **SCS, SS** for **SCS, SS** for **SS** for **SCS** and **SA 19** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 675**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 675** to the Committee on State Budget Control.

Senator Gross requested that the following announcement be printed, which request was granted:

I would like to publicly announce that, pursuant to Section 610.020.4 which allows formally constituted subunits of parental govern-mental bodies to conduct meetings without notice so long as the meeting of that subunit is announced at the parent meeting, the Committee on Pensions and General Laws will meet in the Senate Lounge immediately following adjournment to act on **SB 1279** which was the subject of discussion and a point of order on the floor of the Missouri Senate this afternoon.

REPORTS OF STANDING COMMITTEES

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 874**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 947**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1199**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1070**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1039**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which were referred **SB 766**, **SB 1120** and **SB 1121**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 926**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Russell, Chairman of the Committee on Appropriations, Senator Kenney submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 1140**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel J. Betzler, 804 Bitterfield Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Board for Certification of Interpreters, for a term ending June 27, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Angela B. Dorrough, 5945 South Geronimo Drive, Springfield, Greene County, Missouri 65810, as a student representative of the Board of Governors for Southwest Missouri State University, for a term ending May 1, 2003, and until her successor is duly appointed and qualified; vice, Whitney N. Morris, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary A. Holyoke, D.C., 13163 Highway 21, DeSoto, Jefferson County, Missouri 63020, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harriett F. Woods, Democrat, 7147 Princeton Avenue, University City, St. Louis County, Missouri 63130, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2002, and until her successor is duly appointed and qualified; vice, Linda Behlmann, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen D. Pack, 4901 Wornall Road, Kansas City, Jackson County, Missouri 64112, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2004, and until her successor is duly appointed and qualified; vice, Barry McKay, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 8, 2002

The Honorable Bob Holden

Governor of Missouri

State Capitol, Room 216

Jefferson City, MO 65101

RE: Appointments to the Missouri Personal Independence Commission

Dear Governor Holden:

Pursuant to Executive Order 01-08 relating to the Missouri Personal Independence Commission, I am appointing Senator Betty Sims (Republican), State Capitol, Room 428, Jefferson City, Missouri 65101 and Senator Pat Dougherty (Democrat), State Capitol, Room 330, Jefferson City, Missouri 65101 to serve on the Missouri Personal Independence Commission. Both of these senators know the programs available for individuals with disabilities and will contribute to the work of the committee.

If you have any questions or require any further information, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Stoll introduced to the Senate, Victoria Fricke and her sons, Aaron and Taylor, DeSoto.

Senator House introduced to the Senate, Jon and Ty Bennett, St. Charles.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY-TUESDAY, MARCH 12, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1236-Rohrbach

SB 1248-Mathewson and
Kenney

SB 1249-Mathewson

SB 1267-Westfall

SB 1268-Westfall

SB 1269-Cauthorn

SB 1270-Klindt

SB 1271-Klindt

SB 1272-Klindt

SB 1273-Goode

SB 1274-Gibbons

SB 1275-Gibbons

SB 1276-Gibbons

SB 1277-Caskey

SB 1278-Bland

SB 1280-Rohrbach

SJR 38-Cauthorn and Steelman

SJR 39-Gross and House

SJR 40-Westfall HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1402-Burton, et al

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd) THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross

SS for SCS for SB 675-Yeckel, et al

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,

et al, with SCS

2. SBs 721, 757, 818 &
930-Westfall, with SCS

3. SB 665-Kenney

4. SB 836-Gross and
Dougherty, with SCS

5. SB 840-Gross and
Russell, with SCS

6. SB 740-Wiggins

7. SB 687-Gibbons and
Yeckel

8. SB 959-Kenney and
Kinder, with SCS

9. SBs 817, 978 & 700-
Gross, with SCS

10. SBs 837, 866, 972 &
990-Cauthorn, with SCS

11. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS

12. SBs 894, 975 & 927-
Kinder, with SCS

13. SBs 670 & 684-Sims, with SCS

14. SB 1005-Loudon

15. SBs 741, 929 & 871-
Wiggins, with SCS

16. SBs 1061 & 1062-
Rohrbach and Kenney,
with SCS

17. SBs 843 & 658-Stoll,
with SCS

18. SB 647-Goode, with SCS

19. SBs 969, 673 & 855-
Westfall and
Bentley, with SCS

20. SB 1059-Bentley, et al,
with SCS
21. SB 1052-Sims, with SCS
22. SB 884-DePasco and
Kenney, with SCS
23. SBs 984 & 985-Steelman,
with SCS
24. SB 1046-Gross and
House, with SCS
25. SB 1103-Westfall, et al
26. SBs 915, 710 & 907-
Westfall, et al, with SCS
27. SBs 923, 828, 876, 694
& 736-Sims, with SCS
28. SB 676-Yeckel, et al,
with SCS
29. SB 900-Goode, et al,
with SCS
30. SB 1107-Childers, with SCS
31. SB 912-Mathewson,
with SCS
32. SB 892-Kenney, with SCS
33. SB 910-Gibbons
34. SB 1104-Mathewson
35. SB 954-Loudon, with SCS
36. SB 1014-Klindt and Kinder
37. SB 1152-Klarich, with SCS
38. SBs 766, 1120 & 1121-
Steelman, with SCS
39. SB 926-Kenney, et al,
with SCS
40. SB 1140-Rohrbach INFORMAL CALENDAR

SB 651-Singleton and
Russell, with SCS (pending)
SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
SB 668-Bentley, with SS & SA 1 (pending)
SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)
SBs 958 & 657-Kinder,
with SCS

SBs 970, 968, 921, 867, 868 &
738-Westfall, et al, with SCS, SS for
SCS, SS for SS for SCS & SA 19 (pending)
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/26

SB 1004-Loudon, with SCA 1

SB 1106-Klarich, with SCS

SB 962-Wiggins

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell

Reported 3/4

SB 1151-Kinder, with SCS

SB 794-Bland

SB 1050-Foster

SB 859-Russell

SB 821-Dougherty and Gross,
with SCS

SB 1012-Caskey, with SCA 1

SB 1102-Westfall

SB 980-Singleton and
Schneider, with SCS

Reported 3/5

SB 810-Dougherty, with SCS

SB 1028-Russell

SB 1143-Jacob

SB 1007-Stoll, with SCS

SB 1210-Johnson, with SCS

SB 1186-Kenney Reported 3/11

SB 874-Bentley, with SCS

SB 947-Klindt and Stoll,
with SCS

SB 1199-Foster

SB 1070-Gibbons, with SCS

SB 1039-DePasco RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

Reported from Committee

SR 1054-Singleton

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 53-Cauthorn, with SCS

SCR 47-Childers, with SCS

SCR 46-Dougherty

SCR 44-Cauthorn, et al

SCR 41-Rohrbach

SCR 36-Bentley, et al

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SEVENTH DAY--TUESDAY, MARCH 12, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"For the Lord gives his people justice and shows compassion to his servants." (Psalm 135:14)

Gracious Lord, we give You thanks for Your compassion towards us and the example You set for us that we might likewise be supportive of our staff and show compassion and appreciation for the work they do for us and the people of Missouri. Bless our Senate staff as we seek to please You and serve only You. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1204, regarding Gregory Alan Stroud, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 1205, regarding One Hundred Twenty-fifth Anniversary of the St. Louis Association of Realtors, which was adopted.

Senator Loudon offered Senate Resolution No. 1206, regarding Eugene L. Roessler, St. Charles, which was adopted.

Senator Loudon offered Senate Resolution No. 1207, regarding David J. Pacino, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 1208, regarding Robert E. Kenny, DDS, Town and Country, which was adopted.

Senator Kenney offered Senate Resolution No. 1209, regarding Matthew Stephen "Matt" Neff, Lee's Summit, which was adopted.

Senator Gross offered Senate Resolution No. 1210, regarding Nicholas J. "Nick" Marler, St. Peters, which was adopted.

THIRD READING OF SENATE BILLS

SB 1004, with **SCA 1**, introduced by Senator Loudon, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Loudon, **SB 1004**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Schneider Stoll--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1106, with **SCS**, introduced by Senator Klarich, entitled:

An Act to repeal section 370.061, RSMo, relating to credit union commissioners, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1106

An Act to repeal sections 370.061 and 370.120, RSMo, relating to credit union commissioners, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS** for **SB 1106** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **SB 1106** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Schneider	Stoll--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kennedy moved that motion lay on the table, which motion prevailed.

SB 962, introduced by Senator Wiggins, entitled:

An Act to repeal section 115.507, RSMo, relating to the certification of election results, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 962** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Quick
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Kinder	Mathewson	Rohrbach--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 641** and **SB 705**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 641** and **705**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 641 and 705

An Act to repeal section 105.510, RSMo, and to enact in lieu thereof one new section relating to union membership.

Was taken up.

Senator Klarich assumed the Chair.

Senator Russell moved that **SCS** for **SBs 641** and **705** be adopted.

Senator Staples requested a roll call vote be taken on the adoption of **SCS** for **SBs 641** and **705** and was joined in his request by Senators Childers, Goode, Quick and Stoll.

President Maxwell assumed the Chair.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 641 and 705, Page 1 and 2, Section 105.510, Line 16 and 19, by inserting after the word "organization" the following: "unless the bargaining unit was approved by a majority of the members of the bargaining unit. "Members" shall consist of all employees in the bargaining unit".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators DePasco, Caskey, Jacob and Wiggins.

SA 1 failed of adoption by the following vote:

YEAS--Senators

Bland	Caskey	Coleman	DePasco
Dougherty	Goode	House	Jacob
Johnson	Kennedy	Mathewson	Quick
Schneider	Staples	Stoll	Wiggins--16

NAYS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		

Absent--Senators--None

Absent with leave--Senators--None

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 641 and 705, Page 2, Section 105.510, Line 27, by striking the words: "and their staffs" and substitute: "and up to two confidential assistants as they may designate."

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Goode, Mathewson and Stoll.

At the request of Senator Russell, **SB 641** and **SB 705**, with **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 1267--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1268--Transportation.

SB 1269--Agriculture, Conservation, Parks and Tourism.

SB 1270--Transportation.

SB 1271--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1272--Commerce and Environment.

SB 1273--Commerce and Environment.

SB 1274--Ways and Means.

SB 1275--Ways and Means.

SB 1276--Judiciary.

SB 1277--Judiciary.

SB 1278--Civil and Criminal Jurisprudence.

SB 1280--Pensions and General Laws.

SJR 38--Agriculture, Conservation, Parks and Tourism.

SJR 39--Ways and Means.

SJR 40--Transportation.

REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointments, appearing on pages 508 and 509 of the Senate Journal for Monday, March 11, 2002, to the Committee on Gubernatorial Appointments.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1211, regarding the Macon County Cattlemen, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1212, regarding the Seventy-fourth Birthday of Edith V. Schmuck, Steffenville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1213, regarding the Missouri Junior Simmental Association, Springfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 1214, regarding Marie Lammert, St. Louis, which was adopted.

Senator Westfall offered Senate Resolution No. 1215, regarding Jared Robinson, Republic, which was adopted.

Senator Westfall offered Senate Resolution No. 1216, regarding Stephanie Black, Republic, which was adopted.

CONCURRENT RESOLUTIONS

Senator Childers moved that **SCR 47**, with **SCS**, be taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SCR 47** was taken up.

Senator Childers moved that **SCS** for **SCR 47** be adopted.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Concurrent Resolution No. 47, Page 479 of the Senate Journal for Thursday, March 7, 2002, Column 2, Line 30 of said column, by striking "twenty-three" and inserting in lieu thereof the following: "**twenty-seven**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Childers moved that **SCS** for **SCR 47**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SCR 47**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Schneider	Singleton--4
Absent with leave--Senators--None			

The President declared the concurrent resolution passed.

On motion of Senator Childers, title to the concurrent resolution was agreed to.

Senator Childers moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Cauthorn moved that **SCR 44** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **SCR 44** was adopted by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Sims--3	
Absent with leave--Senators--None			

Senator Dougherty moved that **SCR 46** be taken up adoption, which motion prevailed.

On motion of Senator Dougherty, **SCR 46** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers

Coleman	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Bland

Goode--2

Absent with leave--Senators--None

Senator Bentley moved that **SCR 36** be taken up for adoption, which motion prevailed.

On motion of Senator Bentley, **SCR 36** was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Bland

Staples--2

Absent with leave--Senators--None

Senator Cauthorn moved that **SCR 53**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 53** was taken up.

Senator Cauthorn moved that **SCS** for **SCR 53** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCR 53**, as amended by the **SCS**, was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Mathewson

Quick

Schneider

Staples--4

Absent with leave--Senators--None

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 970, SB 968, SB 921, SB 867, SB 868 and SB 738**, with **SCS, SS for SCS, SS for SS for SCS and SA 19** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 19 was again taken up.

At the request of Senator Caskey, the above amendment was withdrawn.

Senator Westfall moved that **SS for SS for SCS for SBs 970, 968, 921, 867, 868 and 738**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SS for SS for SCS for SBs 970, 968, 921, 867, 868 and 738**, as amended, was declared perfected and ordered printed.

Senator Westfall moved that **SB 721, SB 757, SB 818 and SB 930**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 721, 757, 818 and 930, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 721, 757, 818 and 930

An Act to repeal sections 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 304.022, 304.027, 575.010 and 575.150, RSMo, relating to the regulation of traffic offenses, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS for SBs 721, 757, 818 and 930** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 12, Section 304.028, Line 27, by inserting after all of said line the following:

"304.220. 1. Whenever the county highway engineer of any county, or in any county in which there shall be no highway engineer, such other officer as the county commission may designate, shall find that any county road or bridge of such county is in such a condition that use thereof by vehicles of the weights specified in section 304.180, will endanger the road or bridge, or the users thereof, the county highway engineer may [with the approval of the division engineer of the state transportation department whose division includes the area in question] establish maximum weight limits for vehicles using such road or bridge in such amounts as will preserve the road or bridge and provide a reasonable margin of safety to the users thereof. Notice of any such weight limit established shall be given by posting signs at convenient and public places along any such road, and in conspicuous places at each end of any such bridge.

2. It shall be unlawful for any person to operate a vehicle of a weight in excess of the maximum limit established pursuant to the provisions of this section on or over any road or bridge upon which such maximum weight limits have been established unless the person shall have the express permission of the officer empowered to establish such limit.

3. Any person who shall violate the provisions of this section shall be guilty of a class C misdemeanor, and shall be

liable in a civil action for any damages to the road or bridge."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 12, Section 304.028, Line 27, by inserting after all of said line the following:

"304.351. 1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection.

2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

3. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

4. (1) The state highways and transportation commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

[(1)] (2) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this section:

(a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such traffic is moving across or within the intersection.

5. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

6. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

7. The state highways and transportation commission or local authorities with respect to roads under their respective jurisdictions, on any section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of section 304.010.

8. Notwithstanding the provisions of section 304.361, violation of this section shall be deemed a class C misdemeanor.

9. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused physical injury shall be assessed a court cost of two hundred dollars and shall have their driver's license, commercial driver's license, permit, or nonresident operating privilege suspended for a period of thirty days.

10. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused serious physical injury shall be assessed a court cost of five hundred dollars and shall have their driver's license, commercial driver's license, permit, or nonresident operating privilege suspended for a period of ninety days.

11. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused a fatality shall be assessed a court cost of one thousand dollars and shall have their driver's license, commercial driver's license, permit, or nonresident operating privilege suspended for a period of six months.

12. Notwithstanding the provisions of any other law to the contrary all court costs collected pursuant to subsections 9, 10, and 11 of this section shall be deposited in the motorcycle safety trust fund established under section 302.137, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 8, Section 302.130, Line 93, by inserting after all of said line the following:

"304.001. As used in this chapter and chapter 307, RSMo, the following terms shall mean:

(1) "Abandoned property", any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in sections 304.155 and 304.157, whether or not operational **or any motor vehicle involved in an accident whereby a law enforcement official requests such vehicle to be removed from the scene because the operator or owner is unable to arrange for the abandoned property's timely removal;**

(2) "Commercial vehicle enforcement officers", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles;

(3) "Commercial vehicle inspectors", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to supervise or operate permanent or portable weigh stations in the enforcement of commercial vehicle laws;

(4) "Commission", the state highways and transportation commission;

(5) "Department", the state transportation department;

(6) "Freeway", a divided state highway with four or more lanes, with no access to the throughways except the established interchanges and with no at-grade crossings;

(7) "Interstate highway", a state highway included in the national system of interstate highways located within the boundaries of Missouri, as officially designated or as may be hereafter designated by the state highways and transportation commission with the approval of the Secretary of Transportation, pursuant to Title 23, U.S.C., as amended;

(8) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state highway patrol;

(9) "Off-road vehicle", any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without benefit of a road or trail:

(a) Including, without limitation, the following:

a. Jeeps;

b. All-terrain vehicles;

c. Dune buggies;

d. Multiwheel drive or low-pressure tire vehicles;

e. Vehicle using an endless belt, or tread or treads, or a combination of tread and low-pressure tires;

f. Motorcycles, trail bikes, minibikes and related vehicles;

g. Any other means of transportation deriving power from any source other than muscle or wind; and

(b) Excluding the following:

a. Registered motorboats;

b. Aircraft;

c. Any military, fire or law enforcement vehicle;

d. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;

e. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site;

f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; and

g. Any vehicle being used for the purpose of transporting a handicapped person;

(10) "Person", any natural person, corporation, or other legal entity;

(11) "Right-of-way", the entire width of land between the boundary lines of a state highway, including any roadway;

(12) "Roadway", that portion of a state highway ordinarily used for vehicular travel, exclusive of the berm or shoulder;

(13) "State highway", a highway constructed or maintained by the state highways and transportation commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way;

(14) "Towing company", any person or entity which tows, removes or stores abandoned property;

(15) "Urbanized area", an area with a population of fifty thousand or more designated by the Bureau of the Census, within boundaries to be fixed by the state highways and transportation commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 12, Section 304.028, Line 27, by inserting after all of said line the following:

"388.640. All railroad [policemen] **peace officers** who become employed after September 28, 1971, shall, before appointment, [attend a law enforcement training course] **be a licensed peace officer in accordance with the provisions of chapter 590, RSMo, and** upon payment by his railroad of such reasonable fees as the director or managing officer of such school shall fix."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Westfall raised the point of order that **SA 4** is out of order as the amendment goes beyond the intent and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Singleton raised the point of order that **SCS** for **SBs 721, 757, 818 and 930** is out of order as it goes beyond the scope of the original underlying legislation.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator DePasco offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 12, Section 304.028, Line 27 by inserting after all of said line the following:

"304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet in height.

2. No motor vehicle operating exclusively within any said area shall have a greater weight than twenty-two thousand four hundred pounds on one axle.

3. The "commercial zone" of the city is defined to mean that area within the city together with the territory extending

one mile beyond the corporate limits of the city and one mile additional for each fifty thousand population or portion thereof provided, however, the commercial zone surrounding a city not within a county shall extend eighteen miles beyond the corporate limits of any such city not located within a county and shall also extend throughout any first class charter county which adjoins that city; further, provided, however, the commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend [twelve] **fifteen** miles beyond the corporate limits of any such city. In no case shall the commercial zone of a city be reduced due to a loss of population. The provisions of this section shall not apply to motor vehicles operating on the interstate highways in the area beyond two miles of a corporate limit of the city unless the United States Department of Transportation increases the allowable weight limits on the interstate highway system within commercial zones. In such case, the mileage limits established in this section shall be automatically increased only in the commercial zones to conform with those authorized by the United States Department of Transportation.

4. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from designating the routes over which such vehicles may be operated."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 12, Section 304.028, Line 27, by inserting after all of said line the following:

"307.205. 1. For the purposes of this section, "electric personal assistive mobility device" (EPAMD) shall mean a self-balancing, two nontandem wheeled device, designed to transport only one person, with an electric propulsion system with an average power of seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour.

2. An electric personal assistive mobility device may be operated upon a street, highway, sidewalk, and bicycle path. Every person operating such a device shall be granted all of the rights and be subject to all of the duties applicable to a pedestrian pursuant to chapter 304, RSMo.

3. Persons under sixteen years of age shall not operate an electric personal assistive mobility device, except for an operator with a mobility-related disability.

4. An electric personal assistive mobility device shall be operated only on roadways with a speed limit of forty-five miles per hour or less. This shall not prohibit the use of such device when crossing roadways with speed limits in excess of forty-five miles per hour.

307.207. Every electric personal assistive mobility device (EPAMD) when in use on a roadway during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following:

(1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred feet;

(2) A rear-facing red reflector, at least two square inches in reflective surface area, or a rear-facing red lamp, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred feet.

307.209. Every person operating an electric personal assistive mobility device (EPAMD) at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the

roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street.

307.211. Any person seventeen years of age or older who violates any provision of sections 307.205 to 307.211 is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars. Such an infraction does not constitute a crime and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under seventeen years of age violates any provision of section 307.205 to 307.211 in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, said officer may impound the electric personal assistive mobility device (EPAMD) involved for a period not to exceed five days upon issuance of a receipt to the child riding it or to its owner." ; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Westfall requested a roll call vote be taken on the adoption of **SA 6** and was joined in his request by Senators Bentley, Cauthorn, Staples and Steelman.

SA 6 was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Staples
Stelman	Stoll	Wiggins	Yeckel--28
NAYS--Senators			
Goode	Schneider	Sims	Singleton
Westfall--5			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

Senator Jacob offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 8, Section 302.130, Line 93, by inserting after all of said line the following:

"304.010. 1. As used in this section, the following terms mean:

- (1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;
- (2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than forty-eight thousand pounds shall be operated in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**

(2) Upon the rural expressways of this state, sixty-five miles per hour;

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;

(4) All other roads and highways in this state not located in an urbanized area and not provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance.

If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation,

the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

11. As used in this section, the word "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.

12. (1) The operator of any truck registered for a gross weight of more than forty-eight thousand pounds operating such vehicle at a speed in excess of sixty-five miles per hour shall be fined one hundred dollars for every five-mile increment in which the operator exceeds sixty-five miles per hour.

(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the speeding violation."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Childers assumed the Chair.

Senator Schneider offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 5, Section 304.010, Lines 15 to 19, by striking said lines and substitute: "not be assessed points unless operating at more than five miles per hour above said speed".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators House, Mathewson, Singleton and Westfall.

SA 7, as amended, failed of adoption by the following vote:

YEAS--Senators			
Bentley	Dougherty	Gibbons	House
Jacob	Schneider	Wiggins--7	
NAYS--Senators			
Caskey	Cauthorn	Childers	Coleman
Foster	Gross	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Yeckel--22		
Absent--Senators			
Bland	DePasco	Goode	Quick
Staples--5			
Absent with leave--Senators--None			

Senator House offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 8, Section 302.130, Line 93, by inserting after all of said line the following:

"302.321. 1. A person commits the crime of driving while revoked if he operates a motor vehicle on a highway when his license or driving privilege has been canceled, suspended or revoked [under the laws of this state] and acts with criminal negligence with respect to knowledge of the fact that his driving privilege has been canceled, suspended or revoked.

2. Any person convicted of driving while revoked is guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while revoked and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked is guilty of a class D felony. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving while revoked is a class D felony on the second or subsequent conviction pursuant to section 577.010, RSMo, or a fourth or subsequent conviction for any other offense."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bills Nos. 721, 757, 818 and 930, Page 14, Section 575.150, Lines 25-27, by deleting all of the brackets and bold face language in said lines and inserting an opening bracket "[" immediately before the numeral "4" on line 25 and a closing bracket "]" at the end of line 27, and insert in lieu thereof the following: **"5. Resisting or interfering with an arrest for a felony is a class D felony; otherwise, resisting or interfering with an arrest, detention or stop is a class A misdemeanor."**

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Westfall moved that **SCS** for **SBs 721, 757, 818 and 930**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SBs 721, 757, 818 and 930**, as amended, was declared perfected and order printed.

REPORTS OF STANDING COMMITTEES

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 631**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1260**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 1163**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 1243**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1119**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Childers, Chairman of the Committee on Local Government and Economic Development, Senator Gross submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1124**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1217, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs Ralph E. Tetlow, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Amanda McKay, Sullivan; Lisa Coombes, Wildwood; and Jessica Nelson, Eureka.

Senator Staples introduced to the Senate, Pat Henson and seventh and eighth grade students from Bellview School, Iron County; and Por'sha James, Brandon Klinsbeck and Tyler Green were made honorary pages.

Senator Gibbons introduced to the Senate, Mary LaBarge, Webster Groves.

Senator Westfall introduced to the Senate, Kristy Gray and Kara Weber, Greene County.

Senator Caskey introduced to the Senate, Mike Bersin and Joan Ferguson, Warrensburg.

Senator Steelman introduced to the Senate, Judy Miller and 17 first grade students from Chamois.

Senator Kennedy introduced to the Senate, Monika Parafiniuk and Donna Baringer, St. Louis.

Senator Klindt introduced to the Senate, Jessica Morgan and Savanna Whitt, Chillicothe; and Jessica and Savanna were made honorary pages.

Senator Bentley introduced to the Senate, Sue Phillips and Amy, Emily and Lauren Burwell, Springfield; and Emily and Lauren were made honorary pages.

Senator Stoll introduced to the Senate, Andy Bingham, Tom Nesselhauf, Jared Brown, Karen Biehle and 90 ninth grade students from Festus High School, Festus.

Senator Wiggins introduced to the Senate, Charles and Paula Smith and their son, Greg, South Kansas City.

Senator Loudon introduced to the Senate, students from Garrett Elementary School, Hazelwood; and James Lucas, Jacob Mabry, Chelsie Knapp and Stephanie Eilers were made honorary pages.

Senator Stoll introduced to the Senate, Mayor Frank Roland and members of the Hillsboro Chamber of Commerce.

Senator Mathewson introduced to the Senate, 60 eighth grade students from Salisbury R-4 School, Salisbury; and Samantha Elson, Laura Tebbenkamp, Clifford Fonger and Nick McCune were made honorary pages.

Senator Caskey introduced to the Senate, Joyce Johnson and 85 fourth grade students and sponsors from Whiteman Elementary School, Knob Noster; and Angela Howard, Kristen Childers, Alexis Sparks, Amy Johnson and Ryan Chabotte were made honorary pages.

Senator Kenney introduced to the Senate, Jeanie, Meagan and Tori Helstrom, Olathe, Kansas; and Meagan and Tori were made honorary pages.

Senator Stoll introduced to the Senate, Rob and Holly Snyder, and their daughter, Samantha Jo, Arnold; and Samantha Jo was made an honorary page.

Senator Stoll introduced to the Senate, Stephen Weber, Columbia.

Senator Bentley introduced to the Senate, General Fred Marty and Judge Nancy Rahmeyer, Springfield.

Senator Rohrbach introduced to the Senate, his wife, Beth, and their daughter, Eva, California.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-EIGHTH DAY-WEDNESDAY, MARCH 13, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1236-Rohrbach

SB 1248-Mathewson and Kenney

SB 1249-Mathewson

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1402-Burton, et al

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley

SB 856-Russell

(In Budget Control)

SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross

SS for SCS for SB 675-Yeckel, et al

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 665-Kenney

2. SB 836-Gross and

Dougherty, with SCS

3. SB 840-Gross and

Russell, with SCS

4. SB 740-Wiggins

5. SB 687-Gibbons and Yeckel

6. SB 959-Kenney and

Kinder, with SCS

7. SBs 817, 978 & 700-

Gross, with SCS

8. SBs 837, 866, 972 &

990-Cauthorn, with SCS

9. SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS

10. SBs 894, 975 & 927-

Kinder, with SCS

11. SBs 670 & 684-Sims, with SCS

12. SB 1005-Loudon

13. SBs 741, 929 & 871-

Wiggins, with SCS

14. SBs 1061 & 1062-

Rohrbach and Kenney,

with SCS

15. SBs 843 & 658-Stoll,

with SCS

16. SB 647-Goode, with SCS

17. SBs 969, 673 & 855-

Westfall and Bentley, with SCS

18. SB 1059-Bentley, et al,

with SCS

19. SB 1052-Sims, with SCS

20. SB 884-DePasco and

Kenney, with SCS

21. SBs 984 & 985-

Steelman, with SCS

22. SB 1046-Gross and

House, with SCS

23. SB 1103-Westfall, et al

24. SBs 915, 710 & 907-

Westfall, et al, with SCS

25. SBs 923, 828, 876, 694

& 736-Sims, with SCS

26. SB 676-Yeckel, et al,

with SCS

27. SB 900-Goode, et al, with

SCS

28. SB 1107-Childers, with SCS

- 29. SB 912-Mathewson, with SCS
- 30. SB 892-Kenney, with SCS
- 31. SB 910-Gibbons
- 32. SB 1104-Mathewson
- 33. SB 954-Loudon, with SCS
- 34. SB 1014-Klindt and Kinder
- 35. SB 1152-Klarich, with SCS
- 36. SBs 766, 1120 & 1121-
Steelman, with SCS
- 37. SB 926-Kenney, et al, with SCS
- 38. SB 1140-Rohrbach INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 641 & 705-Russell, et al,
with SCS & SA 2 (pending)
- SB 651-Singleton and
Russell, with SCS (pending)
- SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
- SB 660-Westfall, et al, with SCS (pending)
- SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
- SB 668-Bentley, with SS &
SA 1 (pending)
- SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/26

SB 1078-Kennedy

SB 1109-Yeckel

SB 1132-Kennedy, with SCS

SB 795-Schneider, with SCA 1

SB 1113-Caskey, with SCS

SB 1168-Russell

Reported 3/4

SB 1151-Kinder, with SCS

SB 794-Bland

SB 1050-Foster

SB 859-Russell

SB 821-Dougherty and Gross, with SCS

SB 1012-Caskey, with SCA 1

SB 1102-Westfall

SB 980-Singleton and

Schneider, with SCS

Reported 3/5

SB 810-Dougherty, with SCS

SB 1028-Russell

SB 1143-Jacob

SB 1007-Stoll, with SCS

SB 1210-Johnson, with SCS

SB 1186-Kenney

Reported 3/11

SB 874-Bentley, with SCS

SB 947-Klindt and Stoll,
with SCS

SB 1199-Foster

SB 1070-Gibbons, with SCS

SB 1039-DePasco

Reported 3/12

SB 631-Schneider, with SCS

SB 1260-Loudon

SB 1163-Steelman, with SCS

SB 1243-Johnson

SB 1119-Johnson

SB 1124-Dougherty

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

Reported from Committee

SR 1054-Singleton

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 41-Rohrbach

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-EIGHTH DAY--WEDNESDAY, MARCH 13, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"Do not be conformed to this world, but be transformed by the renewal of your mind." (Romans 12:2)

O God source of all life: we come to You knowing these are difficult times and we need to discover that the familiar old ways of doing things may not work now. Transform our hearts and thoughts that we may deal creatively to the paradigm shifts happening about us and surrender fully to Your will, obedient in the world You are creating anew. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

President Maxwell assumed the Chair.

Photographers from KRCG-TV and the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Staples offered Senate Resolution No. 1218, regarding Arthur Mayer, Jr., New Jersey, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 856** and **SS** for **SCS** for **SB 675**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 1078, introduced by Senator Kennedy, entitled:

An Act to repeal section 59.800, RSMo, relating to the statutory county recorder's fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Kennedy, **SB 1078** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Jacob	Sims	Stoll--3	
Absent with leave--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1109, introduced by Senator Yeckel, entitled:

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to drivers' licenses.

Was called from the Consent Calendar and taken up.

On motion of Senator Yeckel, **SB 1109** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll

Westfall	Wiggins	Yeckel--31
	NAYS--Senators--None	
	Absent--Senators	
Jacob	Schneider--2	
	Absent with leave--Senator Bland--1	

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1132, with **SCS**, introduced by Senator Kennedy, entitled:

An Act to repeal section 193.065, RSMo, relating to local registrars, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1132**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1132

An Act to repeal section 193.065, RSMo, relating to local registrars, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kennedy moved that **SCS** for **SB 1132** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 1132** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Rohrbach	Schneider--3	
	Absent with leave--Senator Bland--1		

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1113, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal sections 58.096, 58.260, 58.270, 58.280, 58.290, 58.310, 58.330, 58.340, 58.360, 58.410 and 58.430, RSMo, relating to coroners, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1113**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1113

An Act to repeal sections 58.260, 58.270, 58.310, 58.330, 58.340 and 58.360, RSMo, relating to coroners, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SB 1113** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 1113** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Klarich	Staples--2		
	Absent with leave--Senator Bland--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1168, introduced by Senator Russell, entitled:

An Act to authorize the conveyance of certain property to the city of Lebanon.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 1168** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Jacob	Klarich	Staples--3
Absent with leave--Senator Bland--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 641** and **SB 705**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Schneider requested unanimous consent of the Senate to change the word "two" to "eight", which request was granted.

At the request of Senator Schneider, the request for a roll call vote was withdrawn.

Senator Schneider moved that **SA 2** be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 641 and 705, Page 2, Section 105.510, Line 39, by inserting after all of said line the following:

"105.520. Whenever such proposals are presented by the exclusive bargaining representative to a public body, the public body or its designated representative or representatives shall meet, confer and discuss such proposals [relative to] **and bargain in good faith regarding** salaries and other conditions of employment of the employees of the public body with the labor organization which is the exclusive bargaining representative of its employees in a unit appropriate. Upon the completion of discussions, the results shall be reduced to writing and be presented to the appropriate administrative, legislative or other governing body in the form of an ordinance, resolution, bill or other form required for adoption, modification or rejection."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 641 and 705, Page 2, Section 105.510, Line 36, by striking the word "and" and inserting in lieu thereof the following: **"except that nothing in this act shall be construed to prohibit a department or agency from recognizing, bargaining with, and entering into a contract with an exclusive bargaining representative of an appropriate unit comprised solely of security guards, capitol police, or park rangers;"**

And further amend said bill, line 39, by adding the following:

"105.530. [Nothing contained in sections 105.500 to 105.530 shall be construed as granting a right to employees covered in sections 105.500 to 105.530 to strike.] 1. It shall be unlawful for public employees to strike. If a strike occurs, the public body may initiate in the circuit court of jurisdiction where the strike occurs, an action for injunctive relief.

2. It shall be unlawful for any department or agency to authorize, consent to, or condone any strikes, or to pay or agree to pay a public employee for any day in which the employee participates in a strike.

3. If an employee organization or any of its officers is held to be in contempt of court for failure to comply with an injunction issued pursuant to this section, the employee organization shall be immediately decertified as the exclusive bargaining representative and shall cease to receive any dues by payroll deduction.

4. If a public employee is held to be in criminal contempt of court for failure to comply with an injunction issued pursuant to this section, the court may order that the employee be immediately discharged from his employment, or that notwithstanding the provisions of chapter 36, RSMo, the employee forfeit all seniority rights, or that the employee be ineligible for any employment by the same employer for a period of twelve months or any combination of such sanctions.

5. The term "strike", employee's refusal in concerted action with others, to report to duty, or the willful absence from one's position, the stoppage of work or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions or compensations or the rights, privileges or obligations of public employment."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Rohrbach requested a division of the question on **SA 4**, asking that a vote first be taken on the portion of the amendment dealing with Section 105.510, and that a second vote be taken on the portion of the amendment dealing with Section 105.530, which request was granted.

Part I of **SA 4** was taken up.

Senator Schneider moved that **Part I** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, House, Kennedy and Wiggins.

Part I of **SA 4** failed of adoption by the following vote:

YEAS--Senators			
Caskey	Coleman	DePasco	Dougherty
Goode	House	Jacob	Kennedy
Mathewson	Quick	Schneider	Stoll
Wiggins--13			
NAYS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		
Absent--Senators			
Johnson	Staples--2		
Absent with leave--Senator Bland--1			

Part II for **SA 4** was taken up.

Senator Rohrbach offered **SA 1** to **Part II** of **SA 4**:

SENATE AMENDMENT NO. 1 TO

PART II OF

SENATE AMENDMENT NO. 4

Amend Part II of Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 641 and 705, Page 1, Section 105.530, Line 14, by deleting on said line the word "may" and insert in lieu thereof the word "shall"; and

Further amend said amendment and section, page 2, line 6 of said page, by deleting the word "may" on said line and inserting in lieu thereof the word "shall".

Senator Rohrbach moved that the above amendment be adopted.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 1** to **Part II** of **SA 4**. He was joined in his request by Senators Caskey, Coleman, Russell and Wiggins.

SA 1 to **Part II** of **SA 4** was adopted by the following vote:

YEAS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		
NAYS--Senators			
Caskey	Coleman	DePasco	Dougherty
House	Jacob	Johnson	Kennedy
Mathewson	Quick	Schneider	Stoll
Wiggins--13			
Absent--Senators			
Goode	Staples--2		
Absent with leave--Senator Bland--1			

Part II of **SA 4**, as amended, was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Russell, **SB 641** and **SB 705**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1115**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCS** for **HCR 11**.

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 11

WHEREAS, the State of Missouri borders 488 miles of the Mississippi River; and

WHEREAS, many of Missouri's locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times, and causing lengthy delays and ultimately increasing shipping costs; and

WHEREAS, the use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion, and modernizing the inland waterways; and

WHEREAS, the construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois river basin, and today supplies more than 300 million tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

WHEREAS, more than 60 percent of American agriculture exports, including corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

WHEREAS, Missouri farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs compared to those incurred by foreign competitors; and

WHEREAS, the Upper Mississippi and Illinois lock and dam system saves our nation more than 1.5 billion dollars in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

WHEREAS, according to the United States Army Corps of Engineers, congestion along the Upper Mississippi and Illinois rivers is costing Missouri and other producers and consumers in the basin 98 million dollars a year in higher transportation costs; and

WHEREAS, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35 to 60 percent fewer pollutants than either trucks or trains according to the United States Environmental Protection

Agency; and

WHEREAS, moving away from river transport would add millions of trucks and rail cars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

WHEREAS, backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

WHEREAS, the lakes and 500 miles of wildlife refuge also support a billion-dollar-a-year recreational industry, including hunting, fishing, and tourism jobs; and

WHEREAS, upgrading the system of locks and dams on the Upper Mississippi and Illinois rivers will provide 3,000 high-paying construction and related jobs over a 15 to 20 year period with health benefits which will benefit not only those directly employed, but the local health care systems and economies of the communities in which these individuals live and work; and

WHEREAS, in 1999, the State of Missouri shipped 18.8 million tons of commodities, including grain, coal, chemicals, aggregates, and other products; and

WHEREAS, 38.6 million tons of commodities, including grain, coal, chemicals, aggregates, and other products, were shipped to, from, and within Missouri by barge, representing 4.2 billion dollars in value; and

WHEREAS, shippers moving by barge in Missouri realized a savings of approximately \$380 million compared to other transportation modes; and

WHEREAS, Missouri docks shipped products by barge to 18 states and received products from 17 states; and

WHEREAS, the Port of Metropolitan St. Louis shipped and received 32.6 million tons of commodities in 1999 worth over 5 billion dollars and is the second busiest inland port in the United States, linking rural Missouri and St. Louis with world markets; and

WHEREAS, there are approximately 183 manufacturing facilities, terminals, and docks on the waterways of Missouri, representing thousands of jobs in this state:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize the importance of inland waterway transportation to Missouri agriculture and industry in the state, the region, and the nation, and urge the United States Congress to authorize funding to construct 1,200-foot locks on the Upper Mississippi and Illinois River System; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, the Chair of the United States Senate Committee on Commerce, Science, and Transportation, the Chair of the United States House Committee on Transportation and Infrastructure, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 21**.

HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, members of the National Guard as active duty military service members serve our nation at the call of the President of the United States in time of national emergency and in homeland defense initiatives; and

WHEREAS, members of the National Guard take an oath and serve at the call of the President and the Governors in times of emergency; and

WHEREAS, retired National Guard members with a minimum of 20 years of service receive entitlements similar to those of active duty military retiree's, including monthly retirement checks, prescription medical services, and access to worldwide space-available military travel; and

WHEREAS, members of the National Guard are compensated and receive base pay and allowances funded by the United States Department of Defense based on the same compensation programs as active duty military personnel; and

WHEREAS, as a result of the extended service provided by members of the Missouri National Guard in support of the nation in times of national emergency, retired members with a minimum of 20 years of service with the National Guard should receive the same United States Department of Veterans Affairs (USDVA) entitlements as an active duty military retiree, including access to Missouri state veterans homes and veterans administration hospitals and USDVA prescription medical benefits:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Department of Veterans Affairs to amend their current policies and rules to provide reimbursement to the State of Missouri for National Guard member-related costs for stays in Missouri state veterans homes, and to allow National Guard veterans with a minimum of 20 years of service to participate in the per diem program and receive treatment and service at United States Department of Veterans Affairs veterans hospitals and receive prescription medical benefits in the same manner as active duty military veterans; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Anthony J. Principi, Secretary of Veterans Affairs.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 1130**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 1137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 1227**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1244**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1259**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1258**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 732**, begs leave to

report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1217**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1219, regarding Martha Lou Ella McCamish Duffie-Reynolds, Bernie, which was adopted.

Senator Foster offered Senate Resolution No. 1220, regarding Clel Yancey, Poplar Bluff, which was adopted.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

President Maxwell assumed the Chair.

THIRD READING OF SENATE BILLS

SB 1151, with **SCS**, introduced by Senator Kinder, entitled:

An Act to repeal section 94.875, RSMo, relating to tourism tax trust funds in certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1151**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1151

An Act to repeal section 94.875, RSMo, relating to tourism tax trust funds in certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kinder moved that **SCS** for **SB 1151** be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **SB 1151** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins--27	

NAYS--Senators--None

Absent--Senators

Bentley	House	Jacob	Staples
Yeckel--5			

Absent with leave--Senators

Bland	DePasco--2
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The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1050, introduced by Senator Foster, entitled:

An Act to repeal section 162.431, RSMo, relating to school district boundary changes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Foster, **SB 1050** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Klarich	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senator Kinder--1

Absent--Senators

Bentley	Coleman	Mathewson	Quick
Singleton	Staples--6		

Absent with leave--Senators

Bland	DePasco--2
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The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 859, introduced by Senator Russell, entitled:

An Act to repeal section 160.545, RSMo, relating to the A+ schools program, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 859** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Coleman	Quick	Staples--3
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Absent with leave--Senators

Bland	DePasco--2
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The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for **SB 722**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 722

An Act to repeal section 168.081, RSMo, relating to alternative certification standards for principals, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date for a certain section.

Was taken up by Senator Bentley.

On motion of Senator Bentley, **SCS** for **SB 722** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Jacob	Schneider	Staples--3
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Absent with leave--Senators

Bland	DePasco--2
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The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 856, introduced by Senator Russell, entitled:

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to enterprise zones.

Was taken up.

On motion of Senator Russell, **SB 856** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Staples--2		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 1009**, introduced by Senator Rohrbach, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1009

An Act to repeal sections 375.345 and 376.311, RSMo, relating to investments by insurance companies, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Rohrbach, **SS** for **SCS** for **SB 1009** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators			
Bentley	Quick	Schneider	Staples--4
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 895, introduced by Senators Yeckel and Gross, entitled:

An Act to repeal sections 30.270, 362.020, 362.106, 362.117, 362.170, 362.245, 362.270, 362.275, 362.335, 364.120, 365.100, 365.140, 367.518, 369.144, 385.050, 400.9-303, 408.083, 408.140, 408.170, 408.320, 408.556, 408.557, 525.070, 700.350, RSMo, section 375.065 as enacted by house committee substitute for senate substitute for senate bill no. 193, ninety-first general assembly, first regular session and section 375.065 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 896, ninetieth general assembly, second regular session, relating to financial services, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **SB 895** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins

NAYS--Senators--None

Absent--Senators			
Bentley	Klarich	Staples--3	
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 675**, introduced by Senator Yeckel, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 675

An Act to repeal sections 28.160, 115.013, 115.027, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.133, 115.135, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.613, RSMo, relating to elections, and to enact in lieu thereof fifty-four new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Was taken up.

On motion of Senator Yeckel, **SS** for **SCS** for **SB 675** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Quick	Staples--2		
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims

Steelman
Yeckel--29

Stoll

Westfall

Wiggins

NAYS--Senators--None

Absent--Senators

Quick

Singleton

Staples--3

Absent with leave--Senators

Bland

DePasco--2

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kenney moved that **SB 665** be taken up for perfection, which motion prevailed.

Senator Kenney offered **SS** for **SB 665**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 665

An Act to amend chapter 182, RSMo, by adding thereto two new sections relating to public libraries, with penalty provisions.

Senator Kenney moved that **SS** for **SB 665** be adopted.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 665, Page 1, Section 182.825, Line 9 of said page, by striking the word "a" and inserting in lieu thereof the following: "**an elementary or secondary**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 665, Page 1, Section A, Line 3, by inserting after all of said bill the following:

"43.653. The state highway patrol is hereby authorized to create, direct, control and supervise the "Missouri Regional Computer Forensics Lab" (RCFL). The state highway patrol has the ability to bring together federal, state, and local resources to fight computer crimes for the purposes listed in section 43.656. The RCFL shall be located within a twenty-five mile radius of an international airport.

43.656. It is hereby found and declared that:

(1) With the widespread use of computers, the Internet and electronic devices to commit crimes and the critical lack of resources at state and local levels;

(2) Modern day criminals have learned to exploit the Internet and electronic communication to leverage computer technology to reach a virtually unlimited number of victims while maintaining a maximum level of anonymity, computer crimes will continue to mount, especially in, but not limited to, the areas of child pornography and sexual offenses involving children, consumer fraud and harassment.

(3) It is necessary for the protection of the citizens of this state that provisions be made for the establishment of the Missouri regional computer forensics lab to prevent and reduce computer, Internet and other electronically-based crimes.

43.659. The state highway patrol shall have the power, as necessary or convenient to carry out and effectuate the purposes and provisions of sections 43.653 to 43.656, to enter into agreements or other transactions with, negotiate memorandum of understanding with all governmental agencies, participate in interstate computer forensic matters as they relate to the purposes of the center, both within and outside the state when necessary or appropriate, or when required to do so by a proper authority and accept grants and the cooperation of, the United States or any agency or instrumentality thereof or of this state or any agency or instrumentality thereof, in furtherance of the purposes of this section, and to do any and all things necessary in order to avail itself of such aid and cooperation."; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Singleton offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 665, Page 1, Section 43.653, Line 3, by deleting "state highway patrol" and inserting "**Director, Missouri Department of Public Safety**"; and on line 5, by deleting "state highway patrol" and inserting "**Director**"; and

Further on page 2, Section 43.659, line 3, by deleting "state highway patrol" and inserting "**Director, Missouri Department of Public Safety**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 665, Page 1, Section 182.827, Lines 13-17, by striking said lines and inserting in lieu thereof the following: "**computer shall do one or more of the following:**

(1) Equip the computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors;

(2) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.

Standards".

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Jacob, Kenney, Loudon and Wiggins.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Dougherty	Jacob	Johnson	Mathewson
Quick	Schneider	Stoll	Westfall
Wiggins--13			
NAYS--Senators			
Cauthorn	Foster	Gibbons	Gross
House	Kennedy	Kenney	Kinder
Klindt	Loudon	Rohrbach	Russell
Sims	Singleton	Steelman	Yeckel--16
Absent--Senators			
Coleman	Goode	Klarich	Staples--4
Absent with leave--Senator DePasco--1			

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 665, Page 2, Section 182.827, Line 29, by inserting after all of said line the following:

"570.320. 1. No person shall operate a website on the Internet that causes another person's computer to dial a long distance telephone number without that other person's knowledge.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor unless the long distance charges exceed one hundred fifty dollars, in which case the person is guilty of a class C felony."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 4** is out of order as the amendment exceeds the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Caskey offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 665, Page 2, Section 182.827, Lines 16-19, by deleting said lines.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Mathewson, Sims, Stoll and Wiggins.

Senator Gibbons assumed the Chair.

Senator Schneider offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 665, Page 2, Section 182.827, Line 19, by striking said line and substitute the words: "loss of office or dismissal".

Senator Schneider moved that the above substitute amendment be adopted.

At the request of Senator Schneider, **SSA 1** for **SA 5** was withdrawn.

At the request of Senator Caskey, the request for a roll call vote was withdrawn.

SA 5 was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kenney moved that **SS** for **SB 665**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SB 665**, as amended, was declared perfected and ordered printed.

Senator Gross moved that **SB 836**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 836**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 836

An Act to repeal sections 32.087 and 144.190, RSMo, and to enact in lieu thereof three new sections relating to the sales tax and refund procedures related to mobile telecommunications services, with an effective date.

Was taken up.

Senator Gross moved that **SCS** for **SB 836** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 836, Page 4, Section 32.087, Line 85, by striking the word "sales" and inserting in lieu thereof the following: "**taxes**"; and

Further amend said bill, page 6, Section 144.190, line 11, by striking "144.510" and inserting in lieu thereof the following: "**144.525**"; and

Further amend said bill and section, page 7, line 28, by striking "92 and" and inserting in lieu thereof the following: "**70, 92,**"; and further amend line 29, by inserting immediately after "94," the following: "**162, 190, 238, 321 and 644,**"; and further amend line 38, by striking all of said line and inserting in lieu thereof the following: "**section 144.013;**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **SB 836**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 836**, as amended, was declared perfected and ordered printed.

Senator Gross moved that **SB 840**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 840**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 840

An Act to repeal section 516.097, RSMo, relating to certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Gross moved that **SCS** for **SB 840** be adopted.

Senator Gross offered **SS** for **SCS** for **SB 840**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 840

An Act to repeal section 516.097, RSMo, relating to certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

Senator Gross moved that **SS** for **SCS** for **SB 840** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 840, Pages 2 and 3, Section 516.097.6, Lines 28 and 1, by deleting all of said lines and inserting in lieu thereof the following: "not apply. The recorder shall be allowed a fee consistent with those fees proscribed in Section 59.313.3(1) for recording each certificate.".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 840, Page 3, Section 516.097, Line 6, by inserting after all of said line the following:

"537.600. 1. Such sovereign or governmental tort immunity as existed at common law in this state prior to September 12, 1977, except to the extent waived, abrogated or modified by statutes in effect prior to that date, shall remain in full force and effect; except that, the immunity of the public entity from liability and suit for compensatory damages for negligent acts or omissions is hereby expressly waived in the following instances:

(1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles or motorized vehicles within the course of their employment;

(2) Injuries caused by the condition of a public entity's property if the plaintiff establishes that:

(a) The property was in dangerous condition at the time of the injury[, that];

(b) The injury directly resulted from the dangerous condition[, that];

(c) The dangerous condition created a reasonably foreseeable risk of harm of the kind of injury which was incurred[, and that]; **and**

(d) Either a negligent or wrongful act or omission of an employee of the public entity within the course of his employment created the dangerous condition or a public entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition. In any action under this subdivision wherein a plaintiff alleges that he was damaged by the negligent, defective or dangerous design of a highway or road, [which was designed and constructed prior to September 12, 1977,] the public entity shall be entitled to a defense which shall be a complete bar to recovery whenever the public entity can prove by a preponderance of the evidence that the alleged negligent, defective, or dangerous design reasonably complied with highway and road design standards generally accepted at the time the road or highway was designed and constructed. **Pursuant to the prerogative of the general assembly to declare the public policy of the state in matters concerning liability in tort for public entities, the general assembly declares that the above plain language does not include a requirement that property must have a physical defect as a necessary element for the property to be in a dangerous condition. The plain language clearly intends that government should be responsible for injuries to persons for negligently maintaining a dangerous condition in the same way as citizens are held to such standard of care. The legislature clearly did not intend that governmental agencies which create dangerous conditions or have notice of dangerous conditions may continue to maintain those dangerous conditions which cause serious injury with impunity.**

2. The express waiver of sovereign immunity in the instances specified in subdivisions (1) and (2) of subsection 1 of this section are absolute waivers of sovereign immunity in all cases within such situations whether or not the public entity was functioning in a governmental or proprietary capacity and whether or not the public entity is covered by a liability insurance for tort.

3. The term "public entity" as used in this section shall include any multi-state compact agency created by a compact formed between this state and any other state which has been approved by the Congress of the United States. Sovereign immunity, if any, is waived for the proprietary functions of such multi-state compact agencies as of the date that the Congress of the United States approved any such multi-state compact.

4. Pursuant to the prerogative of the general assembly to declare the public policy of the state in matters concerning liability in tort for public entities, the general assembly declares that prior to September 12, 1977, there was no sovereign or governmental immunity for the proprietary functions of multistate compact agencies operating pursuant to the provisions of sections 70.370 to 70.440, RSMo, and 238.030 to 238.110, RSMo, including functions such as the operation of motor vehicles and the maintenance of property, involved in the operation of a public transit or public transportation system, and that policy is hereby reaffirmed and declared to remain in effect.

5. Any court decision dated subsequent to August 13, 1978, holding to the contrary of subsection 4 of this section erroneously interprets the law and the public policy of this state, and any claimant alleging tort liability under such circumstances for an occurrence within five years prior to February 17, 1988, shall in addition to the time allowed by the applicable statutes of limitation or limitation of appeal, have up to one year after July 14, 1989, to file or refile an action against such public entity and may recover damages imposed by the common law of this state as for any other person alleged to have caused similar damages under similar circumstances."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SS** for **SCS** for **SB 840**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **SB 840**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1212**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 680**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 1207**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1220**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1247**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 739**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 957**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1093**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1213**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 1112** and **SB 854**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Garland G. Barton, Route 3 Box 3973, Alton, Oregon County, Missouri 65606, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Milton Bischof, Jr., resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anthony R. Myers, 623 West Columbia, Farmington, St. Francois County, Missouri 63640, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until his successor is duly appointed and qualified; vice, Verneda Robinson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Randa Rawlins, Democrat, 215 West Concord Avenue, Kansas City, Jackson County, Missouri 64112, as a member of the Board of Governors for Truman State University, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Booker T. Rice, 7453 San Diego, Normandy, St. Louis County, Missouri 63121, as a member of the Bi-State Development Agency, for a term ending November 10, 2005, and until his successor is duly appointed and qualified; vice, Norman Tice, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Consuelo D. Washington, 4445 Floriss Place, St. Louis City, Missouri 63115, as a member of the Tourism Commission, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John R. Wilson, Republican, 5712 Woodhaven Lane, Parkville, Platte County, Missouri 64152, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Brenda J. Wrench, 6962 Mardel, St. Louis City, Missouri 63109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1817**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to accountability for priority and performance schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1877**, entitled:

An Act to repeal sections 143.225, 143.261, 143.431, 143.451, 143.811, 144.190, 313.820, and 313.822, RSMo, and to enact in lieu thereof eleven new sections for the sole purpose of establishing and funding the schools of the future fund, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 20**.

HOUSE CONCURRENT RESOLUTION NO. 20

WHEREAS, an area in eastern mid-Missouri has historically and informally been known as the "Arcadia Valley":

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, that the area in the State west of Highway 67, east of Highway 49, south of Highway 32, and north of Highway 72 shall be formally designated as the "Arcadia Valley".

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1221, regarding Amy Cadwallader, Maryland Heights, which was adopted.

Senator Caskey offered Senate Resolution No. 1222, regarding Margret Fay Berry, Butler, which was adopted.

Senator Sims offered Senate Resolution No. 1223, regarding Women's History Month, which was adopted.

Senator Sims offered Senate Resolution No. 1224, regarding Roger Green, St. Louis, which was adopted.

Senator Klarich offered Senate Resolution No. 1225, regarding the One Hundred Fiftieth Anniversary of the Washington Fire Department, Washington, which was adopted.

Senator Quick offered Senate Resolution No. 1226, regarding Mary A. Manley, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Meredith Albers, her mother, Michelle Albers, Charlie Spencer and Jan Schuster, Kirkwood.

Senator Klindt introduced to the Senate, Walter West, Jasen Uty and Larry Parsens, St. Joseph.

Senator Gross introduced to the Senate, Dr. Aubra Houchin, D.O., his wife, Patty, and their children Andy and Jenny, St. Charles; and Andy and Jenny were made honorary pages.

Senator House introduced to the Senate, 200 students, parents and teachers representing charter public schools.

Senator Bentley introduced to the Senate, Ken Knauer, Kieta Thomas and Tonya Bailey, Springfield.

Senator Stoll introduced to the Senate, Tammy Fluegge, Tim Murphy, Barb Krisher and 80 fourth grade students, teachers and parents from George Guffy Elementary School, Fenton.

Senator Steelman introduced to the Senate, Kaye Melgen, Gail Jeffries and 8 fourth grade students from Kingdom Christian Academy, Fulton.

Senator Bentley introduced to the Senate, R. Troy Barton, D.O., Rogersville.

Senator Westfall introduced to the Senate, tenth grade students from Republic High School, Republic; and Liz Polk, Katherine Springston, Jesse Quessenberry and Corinne Smith were made honorary pages.

Senator Klarich introduced to the Senate, Lyndell Colemann and 25 juniors and seniors from Potosi High School, Potosi.

Senator Sims introduced to the Senate, Victoria York and 34 seniors from St. Joseph's Academy, Frontenac.

Senator Sims introduced to the Senate, 14 third, fourth, fifth and sixth grade students from C. Holman Elementary School, St. Louis County.

Senator Goode introduced to the Senate, Debbie Allstun and students from Berkeley Middle School, St. Louis County; and Ronetta Harris, Shenetta Gardner, Desmond Jones, Marnae Campbell, Danesha Martin, Stephen Love, Raysean Cathy and Marcus Spencer were made honorary pages.

Senator Kenney introduced to the Senate, Teresa Turner and fourth grade students from Good Shepherd Academy, Lee's Summit; and Elizabeth Alley, Seth Alley, Marcy Dean, Drew Edlund, Jennifer Guthrie, Marshall Guthrie, Joy Jarrett, Jared Marsh, Luke Marsh, Luke Pygmon, Austin Roberts and Sarah Whitaker were made honorary pages.

Senator Yeckel introduced to the Senate, Pricilla Reed and 50 students from Mehlville High School, St. Louis County.

On behalf of Senators Singleton, Steelman, Westfall and himself, Senator Cauthorn introduced to the Senate, Bill Sonwalt, Mexico; Mark Harmon, Joplin; Curtis Rouse, Houston; Lance Hasten, Salem; and Glen Cope and David Cope, Aurora.

Senator Kennedy introduced to the Senate, members of the St. Louis Police Officers Association - Fraternal Order of Police.

Senator Jacob introduced to the Senate, Annie Johnson and Hayley John, Moberly; and Annie and Hayley were made honorary pages.

Senator Stoll introduced to the Senate, Don and Denise Nelson, Nevada.

Senator Caskey introduced to the Senate, Larry and Jean Shannon, Cleveland.

Senator Westfall introduced to the Senate, Dillon, Drew, Rita, Mark and Angela Legan, Bolivar; and Dillon and Drew were made honorary pages.

Senator Kennedy introduced to the Senate, Carol Wilson and Sue Remspecher, Town and Country.

Senator Staples introduced to the Senate, Bill Wyrick and Glenn Pound, Jefferson City.

Senator Foster introduced to the Senate, Don Bell, and members of the Ozark Foothills Regional Planning Commission, Poplar Bluff.

Senator Kenney introduced to the Senate, Laurel and Andrew Morton, Kristin, Alyssa and Myrna Vaughan, and Zechariah and Lori Melton, Home Schoolers from Lee's Summit; and Andrew, Kristin, Alyssa and Zechariah were made honorary pages.

Senator Kenney introduced to the Senate, Stephanie Tellis and Stephanie Hill, Kansas City.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Erik Lindbloom, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-NINTH DAY-THURSDAY, MARCH 14, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1236-Rohrbach

SB 1248-Mathewson and Kenney

SB 1249-Mathewson

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1402-Burton, et al

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1115

HCS for HB 1817

HS for HCS for HB 1877-

Foley THIRD READING OF SENATE BILLS

SS for SS for SCS for

SBs 970, 968, 921, 867,

SENATE BILLS FOR PERFECTION

1. SB 740-Wiggins
2. SB 687-Gibbons and
Yeckel
3. SB 959-Kenney and
Kinder, with SCS
4. SBs 817, 978 & 700-
Gross, with SCS
5. SBs 837, 866, 972 &
990-Cauthorn, with SCS
6. SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS
7. SBs 894, 975 & 927-
Kinder, with SCS
8. SBs 670 & 684-Sims, with SCS
9. SB 1005-Loudon
10. SBs 741, 929 & 871-
Wiggins, with SCS
11. SBs 1061 & 1062-
Rohrbach and Kenney,
with SCS
12. SBs 843 & 658-Stoll,
with SCS

13. SB 647-Goode, with SCS
14. SBs 969, 673 & 855-Westfall
and Bentley, with SCS
15. SB 1059-Bentley, et al, with SCS
16. SB 1052-Sims, with SCS
17. SB 884-DePasco and
Kenney, with SCS
18. SBs 984 & 985-
Steelman, with SCS
19. SB 1046-Gross and
House, with SCS
20. SB 1103-Westfall, et al
21. SBs 915, 710 & 907-
Westfall, et al, with SCS
22. SBs 923, 828, 876, 694
& 736-Sims, with SCS
23. SB 676-Yeckel, et al, with
SCS
24. SB 900-Goode, et al, with
SCS
25. SB 1107-Childers, with SCS
26. SB 912-Mathewson, with
SCS
27. SB 892-Kenney, with SCS
28. SB 910-Gibbons
29. SB 1104-Mathewson
30. SB 954-Loudon, with SCS
31. SB 1014-Klindt and Kinder
32. SB 1152-Klarich, with SCS

33. SBs 766, 1120 & 1121-

Steelman, with SCS

34. SB 926-Kenney, et al, with

SCS

35. SB 1140-Rohrbach

36. SBs 1112 & 854-Caskey

and Russell, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell,

et al, with SCS (pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney, with SS#2,

SA 3 and SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder,
with SCS
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/26

SB 795-Schneider, with

SCA 1

Reported 3/4

SB 794-Bland

SB 821-Dougherty and

Gross, with SCS

SB 1012-Caskey, with SCA 1

SB 1102-Westfall

SB 980-Singleton and

Schneider, with SCS

Reported 3/5

SB 810-Dougherty, with SCS

SB 1028-Russell

SB 1143-Jacob

SB 1007-Stoll, with SCS

SB 1210-Johnson, with SCS

SB 1186-Kenney

Reported 3/11

SB 874-Bentley, with SCS

SB 947-Klindt and Stoll, with SCS

SB 1199-Foster

SB 1070-Gibbons, with SCS

SB 1039-DePasco

Reported 3/12

SB 631-Schneider, with SCS

SB 1260-Loudon

SB 1163-Steelman, with SCS

SB 1243-Johnson

SB 1119-Johnson

SB 1124-Dougherty

Reported 3/13

SB 1130-House, with SCS

SB 1137-Bentley, with SCS

SB 1227-Rohrbach, with SCS

SB 1244-Bland, et al

SB 1259-Loudon, with SCS

SB 1258-Loudon, with SCS

SB 732-Bland, with SCS

SB 1217-Coleman

SB 1212-Mathewson, with SCS

SB 680-Bland, with SCS

SB 1207-Bentley, with SCS

SB 1220-Sims

SB 1247-Quick

SB 739-Wiggins, with SCS

SB 957-Loudon, et al, with SCS

SB 1202-Westfall, with SCS

SB 1093-Loudon, with SCS

SB 1213-Mathewson

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

To be Referred

HCS for HCR 11

HCR 21-Boucher and Kreider

HCR 20-Crump

Reported from Committee

SR 1054-Singleton

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 41-Rohrbach

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-NINTH DAY--THURSDAY, MARCH 14, 2002

The Senate met pursuant to adjournment.

Senator Singleton in the Chair.

Reverend Carl Gauck offered the following prayer:

"Six days shall work be done, but on the seventh day you shall have a holy Sabbath of solemn rest to the Lord; whoever does any work on it shall be put to death." (Exodus 35:2)

Heavenly Father, we are so thankful for giving us the work we do for it gives meaning and purpose in our daily living. But in our working so hard we forget the Sabbath was given for us to rest, to spend time with our families, share with loved ones and hear Your Holy Word so that our bodies might be refreshed and we live healthy, caring and productive lives. May we use this weekend with the seriousness with which You have commanded us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Goode	Klarich--2		

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1227, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs.

G.E. Grossnickle, Kirksville, which was adopted.

Senator Bland offered Senate Resolution No. 1228, regarding the death of Booker T. Wright, Jr., Kansas City, which was adopted.

THIRD READING OF SENATE BILLS

SB 795, with **SCA 1**, introduced by Senator Schneider, entitled:

An Act to amend chapter 650, RSMo, by adding thereto eight new sections relating to emergency communication systems.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schneider, **SB 795**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators			
Goode	Jacob	Klarich--3	

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 794, introduced by Senator Bland, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to educational programs.

Was called from the Consent Calendar and taken up.

On motion of Senator Bland, **SB 794** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Gross	House

Johnson	Kennedy	Kenney	Kinder
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Goode	Jacob	Klarich--3	

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 821, with **SCS**, introduced by Senators Dougherty and Gross, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to performance contracting for energy efficiency projects.

Was called from the Consent Calendar and taken up by Senator Dougherty.

SCS for **SB 821**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 821

An Act to repeal sections 640.651 and 640.653, RSMo, relating to energy efficiency, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 821** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SB 821** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senator Loudon--1		
	Absent--Senators		
Bland	Jacob	Quick--3	
	Absent with leave--Senators		
Goode	Klarich--2		

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 740** be taken up for perfection, which motion prevailed.

Senator Westfall assumed the Chair.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 740, Page 23, Section 452.895, Line 4, by inserting after all of said line the following:

"454.606. 1. In all IV-D cases in which income withholding for child support is to be initiated on the effective date of the order pursuant to section 452.350, RSMo, and section 454.505, respectively, the circuit clerk or division, as appropriate, shall send a notice to the employer or union of the parent who has been ordered to provide the health benefit plan coverage at the same time the support order withholding notice is issued. In cases in which the division enforces an order to obtain health benefit plan coverage, it also shall send a notice to the employer or union of the parent who has been ordered to provide the health benefit plan coverage.

2. The notice shall be sent to the employer or union by certified mail, return receipt requested.

3. [The notice shall contain the following information:

(1) The parent's name and Social Security number;

(2) A statement that the parent has been required to provide and maintain health benefit plan coverage for a dependent minor child;

(3) The name, date of birth and Social Security number, if available, for each child.

4. The notice to withhold sufficient funds from the earnings due the obligor to cover employee contributions or premiums, when necessary to comply with the order to provide health benefit plan coverage, is binding on current and successor employers for current and subsequent periods of employment. Such notice continues until further notice by the court or the division.

5. The withholding of health benefit plan employee contributions or premiums from income, if required to comply with the order, shall not be held in abeyance pending the outcome of any hearing provided pursuant to section 454.609.] **The division shall use the National Medical Support Notice required by 42 U.S.C. Section 666(a)(19) and 45 C.F.R. Section 303.32 to enforce health benefit plan coverage under this chapter. All employers, unions, and plan administrators shall comply with the terms of the National Medical Support Notice, including the instructions therein, whether issued by the division or the IV-D agency of another state which appears on its face. The division shall:**

(1) Transfer the National Medical Support Notice to an employer within two business days after the date of entry of an employee who is an obligor in a IV-D case in the state directory of new hires; and

(2) Promptly notify the appropriate employer or union if a current order for medical support for which the

division is responsible is no longer in effect.

4. The notice issued by the circuit clerk shall contain, at a minimum, the following information:

(1) The parent's name and Social Security number;

(2) A statement that the parent is required to provide and maintain health benefit plan coverage for a dependent minor child; and

(3) The name, date of birth, and Social Security number, if available, for each child.

5. The notice to withhold sufficient funds from the earnings due the obligor to cover employee contributions or premiums, when necessary to comply with the order to provide health benefit plan coverage, is binding on current and successor employers for current and subsequent periods of employment. Such notice shall continue until further notice by the court or division.

6. The withholding of health benefit plan employee contributions or premiums from income, if required to comply with the order, shall not be held in abeyance pending the outcome of any hearing provided pursuant to section 454.609.

454.609. 1. At the same time an employer **or union** notice is sent pursuant to section 454.606, the circuit clerk or the division, as appropriate, shall send a notice to the obligor by any form of mail to the obligor's last known address. The information contained in that notice shall include:

(1) A statement that the parent has been directed to provide and maintain health benefit plan coverage for the benefit of a minor child;

(2) The name and date of birth of the minor child;

(3) A statement that the income withholding for health benefit coverage applies to current and subsequent periods of employment;

(4) [The procedure available to] **A statement that the parent may within thirty days of the mailing date of the order or notice submit a written** contest to the withholding on the grounds that the withholding is not proper because of mistake of fact or because the obligor [has purchased] **provides** other insurance that **was obtained prior to issuance of the withholding order or notice that** is comparable to the health benefit plan available through the employer or union or nonemployer or nonunion group;

(5) A statement that if the obligor contests the withholding, the obligor shall be afforded an opportunity to present his **or her** case to the court or the division within thirty days of receipt of the notice of contest;

(6) A statement of exemptions which may apply to limit the portion of the obligated party's disposable earnings which are subject to the withholding under federal or state law;

(7) The Social Security number of the obligor, if available;

(8) A statement that state law prohibits employers from retaliating against an obligor under an order to provide health benefit plan coverage and that the court or the division should be contacted if the obligor has been retaliated against by his **or her** employer as a result of the order for health benefit plan coverage.

2. The only grounds to contest a withholding order or notice for health benefit plan coverage sent to an employer or union shall be mistake of fact or [the obligor's purchase of] **that the obligor obtained** other insurance **prior to issuance of the withholding order or notice** that is comparable to the health benefit plan available through the employer or union, or nonemployer or nonunion group. For purposes of sections 454.600 to 454.645, "mistake of fact" means an error as to the identity of the obligor.

3. If the obligor contests the withholding order **or notice** for health plan coverage because of mistake of fact or [the purchase of] **because the obligor obtained** comparable insurance [within fifteen days of the mail date of the notice] **prior to issuance of the withholding order or notice**, the court or the director shall hold a hearing, enter an order disposing of all issues disputed by the obligor[, indicate the date that withholding will commence, if appropriate,] and notify the obligated party of the determination and date, within forty-five days of the date of receipt of the obligated party's notice of contest.

454.615. **1.** Upon receipt of a court or administrative order, or notice, for health benefit plan coverage, the employer or union shall [forward a copy of] **transfer** the order or notice to the [health benefit plan administrator or insurer, as applicable] **appropriate group health plan providing the health plan coverage for which the child is eligible, excluding any severable notice to withhold for health care coverage directing the employer or union to withhold any mandatory employee contribution to the plan, within twenty business days after the date of the order or notice.**

2. Within forty business days after the date of the order or notice, the plan administrator shall:

(1) Notify the issuing agency whether coverage of the child is available under the terms of the plan and, if so, whether such child is covered under the plan and either the effective date of such coverage or, if necessary, any steps to be taken by the custodial parent or issuing agency to effectuate such coverage; and

(2) Provide to the custodial parent or issuing agency a description of the coverage available and any forms or documents necessary to effectuate such coverage.

454.618. **1.** Upon receipt of the court or administrative order, or notice, for health benefit plan coverage, or upon application of the obligor pursuant to that order, the employer or union shall **take necessary action to** enroll the minor child as an eligible dependent in the health benefit plan and, upon enrollment, withhold any required employee contribution or premium from the obligor's income or wages **necessary for the coverage of the child and send any amount withheld directly to the health benefit plan administrator.** If more than one health benefit plan is offered by the employer or union, the minor child shall be enrolled in the plan in which the obligor is enrolled. When one or more plans are available and the obligor is not enrolled in a plan that covers dependents or is not enrolled in any plan, the [employer or union shall enroll the] minor child and the obligor if necessary **shall be enrolled** under the least costly plan that provides service to the area where the child resides **if the order or notice for health benefit plan coverage is not a National Medical Support Notice issued by the division or IV-D agency of another state. If the notice for health benefit plan coverage is a National Medical Support Notice issued by the division or IV-D agency of another state, the health benefit plan administrator shall provide to the issuing agency copies of the applicable summary plan descriptions or other documents that describe available coverage, including the additional participant contribution necessary to obtain coverage for the child under each option and whether there is a limited service area for any option. The issuing agency, in consultation with the custodial parent, must promptly select from the available plan options. If the issuing agency does not make such selection within twenty business days from the date the plan administrator provided the option, the plan administrator shall enroll the child in the plan's default option, if any. If the plan does not have a default option, the plan administrator shall enroll the child in the option selected by the issuing agency.**

2. In those instances where the obligor fails or refuses to execute any document necessary to enroll the minor child in the health benefit plan ordered by the court, the required information and authorization may be provided by the division or the custodial parent or guardian of the minor child.

3. Information and authorization provided by the division or the custodial parent or guardian of the minor child shall be valid for the purpose of meeting enrollment requirements of the health benefit plan and shall not affect the obligation of the employer or union and the insurer to enroll the minor child in the health benefit plan for which other eligibility, enrollment, underwriting terms and other requirements are met. However, any health benefit plan provision which denies or restricts coverage to a minor child of the obligor due to birth out of wedlock shall be void as against public policy.

4. A minor child that an obligor is required to cover as an eligible dependent pursuant to sections 454.600 to 454.645 shall be considered for health benefit plan coverage purposes as a dependent of the obligor until the child's right to parental support terminates or until further order of the court, but in no event past the limiting age set forth in the health benefit plan.

454.627. When an order for health benefit plan coverage pursuant to sections 454.600 to 454.645 is in effect, upon termination of the obligor's employment, or upon termination of the health benefit plan coverage, the employer, union or health benefit plan administrator, as appropriate, shall make a good faith effort to notify the obligee, [and] **or** in IV-D cases, the division, within ten days of the termination date with notice of continuation or conversion privileges. **In addition, in IV-D cases, upon termination of the obligor's employment, the employer shall promptly notify the division or IV-D agency of another state, as applicable, of the obligor's last known address and the name and address of the obligor's new employer, if known.**

454.700. 1. In any case in which a parent is required by a court or administrative order to provide medical coverage for a child, under any health benefit plan, as defined in section 454.600, and a parent is eligible through employment, under the provisions of the federal Comprehensive Omnibus Budget Reconciliation Act (COBRA) or the provisions of section 376.892, RSMo, or for health coverage through an insurer or group health plan, any insurers, including group health plans as defined in section 607(1) of the federal Employee Retirement Income Security Act of 1974, offering, issuing, or renewing policies in this state on or after July 1, 1994, shall:

(1) Permit such parent to enroll under such coverage any such child who is otherwise eligible for such coverage, without regard to any enrollment season restrictions;

(2) Permit enrollment of a child under coverage upon application by the child's other parent [or by], the division of child support enforcement [or], the division of medical services, **or the tribunal of another state**, if the parent required by a court or administrative order to provide health coverage fails to make application to obtain coverage for such child;

(3) Not disenroll or eliminate coverage of a child unless [the insurer is provided satisfactory written evidence that]:

(a) **The insurer is provided satisfactory written evidence that** such court or administrative order is no longer in effect; or

(b) **The insurer is provided satisfactory written evidence that** the child is or will be enrolled in comparable health coverage through another insurer which will take effect no later than the effective date of the disenrollment; **or**

(c) **The employer or union eliminates family health coverage for all of its employees or members; or**

(d) **Any available continuation coverage is not elected or the period of such coverage expires.**

2. In any case in which a parent is required by a court or administrative order to provide medical coverage for a child, under any health benefit plan, as defined in section 454.600, and the parent is eligible for such health coverage through an employer doing business in Missouri, the employer **or union** shall:

(1) Permit such parent to enroll under such family coverage any such child who is otherwise eligible for such coverage, without regard to any enrollment season restrictions;

(2) Enroll a child under family coverage upon application by the child's other parent [or by], the division of child support enforcement [or], the division of medical services, **or a tribunal of another state**, if a parent is enrolled but fails to make application to obtain coverage of such child; and

(3) Not disenroll or eliminate coverage of any such child unless [the employer is provided satisfactory written evidence that]:

(a) **The employer or union is provided satisfactory written evidence that** such court or administrative order is no

longer in effect; or

(b) **The employer or union is provided satisfactory written evidence that** the child is or will be enrolled in comparable health coverage through another insurer which will take effect not later than the effective date of such disenrollment; or

(c) The employer **or union** has eliminated family health coverage for all of its employees **or members**.

3. No insurer may impose any requirements on a state agency, which has been assigned the rights of an individual eligible for medical assistance under chapter 208, RSMo, and covered for health benefits from the insurer, that are different from requirements applicable to an agent or assignee of any other individual so covered.

4. All insurers shall in any case in which a child has health coverage through the insurer of a noncustodial parent:

(1) Provide such information to the custodial parent or legal guardian as may be necessary for the child to obtain benefits through such coverage;

(2) Permit the custodial parent or legal guardian, or provider, with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent; and

(3) Make payment on claims submitted in accordance with subdivision (2) of this subsection directly to the parent, the provider, or the division of medical services.

5. The division of medical services may garnish the wages, salary, or other employment income of, and require withholding amounts from state tax refunds, pursuant to section 143.783, RSMo, to any person who:

(1) Is required by court or administrative order to provide coverage of the costs of health services to a child who is eligible for medical assistance under Medicaid; and

(2) Has received payment from a third party for the costs of such services to such child, but has not used such payment to reimburse, as appropriate, either the other parent or guardian of such child or the provider of such services, to the extent necessary to reimburse the division of medical services for expenditures for such costs under its plan. However, claims for current or past due child support shall take priority over claims by the division of medical services.

6. The remedies for the collection and enforcement of medical support established in this section are in addition to and not in substitution for other remedies provided by law and apply without regard to when the order was entered.

Section B. Because immediate action is necessary to comply with federal mandates section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect on July 1, 2002, or upon its passage and approval, whichever later occurs."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wiggins, **SB 740**, as amended, was declared perfected and ordered printed.

Senator Gibbons moved that **SB 687** be taken up for perfection, which motion prevailed.

Senator Gibbons offered **SS** for **SB 687**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 687

An Act to repeal sections 568.030, 568.045 and 568.050, RSMo, relating to abandonment of a child, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Senator Gibbons moved that **SS** for **SB 687** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 687, Page 1, Section A, Line 4, by inserting after all of said line the following:

"210.566. 1. The division of family services and its contractors shall treat foster parents with courtesy, respect and consideration. Foster parents shall treat the children in their care, the child's birth family and members of the child welfare team with courtesy, respect and consideration.

2. (1) The division of family services and its contractors shall provide foster parents with training, pre-service and in-service, and support. The division of family services and its contractors shall share all pertinent information about the child and the child's family, including but not limited to, the case plan with the foster parents to assist in determining if a child would be a proper placement. The division of family services and its contractors shall inform the foster parents of issues relative to the child that may jeopardize the health or safety of the foster family. The division of family services and its contractors shall arrange pre-placement visits, except in emergencies. The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the division of family services shall update the foster parents as new information about the child is gathered. Foster parents shall be informed of upcoming meetings and staffings, and shall be allowed to participate, consistent with section 210.761. The division of family services shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545.

(2) Foster parents shall treat all information received from the division of family services about the child and the child's family as confidential. Foster parents shall share information they may learn about the child and the child's family with the caseworker and other members of the child welfare team. Recognizing that placement changes are difficult for children, foster parents shall seek all necessary information, and participate in pre-placement visits, before deciding whether to accept a child for placement. Foster parents shall follow all procedures defined by the division of family services for requesting and using respite care.

3. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The division of family services shall allow foster parents to help plan visitation between the child and the child's biological family.

(2) Foster parents shall provide care that is respectful of the child's cultural identity, values and needs. Foster parents shall recognize that the purpose of discipline is to teach, and ensure that it is administered in a humane and sensitive manner. Recognizing that visitation with family members is an important right, foster parents shall be flexible and cooperative in regard to family visits.

4. (1) Consistent with state laws and regulations, the state may provide, upon request by the foster parents, information about a child's progress after the child leaves foster care. Except in emergencies, foster parents shall be given advance notice consistent with division policy, and a written statement of the reasons before a child is removed from their care. If a child re-enters the foster care system, the child's foster parents shall be considered as a placement option. If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070, RSMo.

(2) Confidentiality rights of the child and the child's parents shall be respected and maintained. Foster parents

shall inform the child's caseworker of their interest if a child re-enters the system. If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker in a timely manner. If they do not choose to pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home. When requesting removal of a child from their home, foster parents shall give reasonable advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.

5. (1) Foster parents shall be informed by the court in a timely manner of all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464, RSMo.

(2) Foster parents shall share any concerns regarding the case plan for a child in their care with the child's caseworker, as well as other members of the child welfare team, in a timely manner.

6. Foster parents shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal. Foster parents shall know and follow the policies of the state, including the appeals procedure.

210.906. 1. Every child-care worker or elder-care worker hired on or after January 1, 2001, or personal-care worker hired on or after January 1, 2002, shall complete a registration form provided by the department. The department shall make such forms available no later than January 1, 2001, and may, by rule, determine the specific content of such form, but every form shall:

(1) Request the valid Social Security number of the applicant;

(2) Include information on the person's right to appeal the information contained in the registry pursuant to section 210.912;

(3) Contain the signed consent of the applicant for the background checks required pursuant to this section; and

(4) Contain the signed consent for the release of information contained in the background check for employment purposes only.

2. Every child-care worker or elder-care worker hired on or after January 1, 2001, and every personal-care worker hired on or after January 1, 2002, shall complete a registration form within fifteen days of the beginning of such person's employment. Any person employed as a child-care, elder-care or personal-care worker who fails to submit a completed registration form to the department of health and senior services as required by sections 210.900 to 210.936 without good cause, as determined by the department, is guilty of a class B misdemeanor.

3. The costs of the criminal background check may be paid by the individual applicant, or by the provider if the applicant is so employed, or for those applicants receiving public assistance, by the state through the terms of the self-sufficiency pact pursuant to section 208.325, RSMo. Any moneys remitted to the patrol for the costs of the criminal background check shall be deposited to the credit of the criminal record system fund as required by section 43.530, RSMo.

4. Any person licensed pursuant to sections 210.481 to 210.565 shall be automatically registered in the family care safety registry at no additional cost other than the costs required pursuant to sections 210.481 to 210.565.

5. Any person not required to register pursuant to the provisions of sections 210.900 to 210.936 may also be included in the registry if such person voluntarily applies to the department for registration and meets the requirements of this section and section 210.909, including submitting to the background checks in subsection 1 of section 210.909.

[5.] **6.** The provisions of sections 210.900 to 210.936 shall not extend to related child care, related elder care or related personal care."; and

Further amend said bill, page 2, Section 210.950, line 16, by inserting immediately after said line the following:

"211.183. 1. In juvenile court proceedings regarding the removal of a child from his or her home, the court's order shall include a determination of whether the division of family services has made reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to make it possible for the child to return home. If the first contact with the family occurred during an emergency in which the child could not safely remain at home even with reasonable in-home services, the division shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

2. "Reasonable efforts" means the exercise of reasonable diligence and care by the division to utilize all available services related to meeting the needs of the juvenile and the family. In determining reasonable efforts to be made and in making such reasonable efforts, the child's present and ongoing health and safety shall be the paramount consideration.

3. In support of its determination of whether reasonable efforts have been made, the court shall enter findings, including a brief description of what preventive or reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family. The division shall have the burden of demonstrating reasonable efforts.

4. The juvenile court may authorize the removal of the child even if the preventive and reunification efforts of the division have not been reasonable, but further efforts could not permit the child to remain at home.

5. Before a child may be removed from the parent, guardian, or custodian of the child by order of a juvenile court, excluding commitments to the division of youth services, the court shall in its orders:

- (1) State whether removal of the child is necessary to protect the child and the reasons therefor;
- (2) Describe the services available to the family before removal of the child, including in-home services;
- (3) Describe the efforts made to provide those services relevant to the needs of the family before the removal of the child;
- (4) State why efforts made to provide family services described did not prevent removal of the child; and
- (5) State whether efforts made to prevent removal of the child were reasonable, based upon the needs of the family and child.

6. If continuation of reasonable efforts, as described in this section, is determined by the division to be inconsistent with establishing a permanent placement for the child, the division shall take such steps as are deemed necessary by the division, including seeking modification of any court order to modify the permanency plan for the child.

7. The division shall not be required to make reasonable efforts, as defined in this section, but has the discretion to make reasonable efforts if a court of competent jurisdiction has determined that:

- (1) The parent has subjected the child **or any child of the parent** to a severe act or recurrent acts of physical, emotional or sexual abuse toward the child, including an act of incest, **or the acts were committed by another person under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child of the parent;** or
- (2) The parent has:
 - (a) Committed murder of another child of the parent;
 - (b) Committed voluntary manslaughter of another child of the parent;
 - (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent; or

(3) The parent's parental rights to a sibling have been involuntarily terminated.

8. If the court determines that reasonable efforts, as described in this section, are not required to be made by the division, the court shall hold a permanency hearing within thirty days after the court has made such determination. The division shall complete whatever steps are necessary to finalize the permanent placement of the child.

9. The division may concurrently engage in reasonable efforts, as described in this section, while engaging in such other measures as are deemed appropriate by the division to establish a permanent placement for the child."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Dougherty offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 687, Page 2 of amendment, Section 210.566, Line 10, by changing "shall" to "may".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 2** to **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 687, Page 2, Section 210.566, Line 28, by inserting after the word "teach" the words "**and direct the behavior of the child**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 687, Page 2, Section 210.950, Line 16, by inserting after all of said line the following:

"210.960. 1. There is hereby established within the office of the secretary of state the "Office of Child Protection Information" which shall answer questions, assist with procedural issues, monitor personnel, and help solve the grievances of persons with children who have received or are receiving child protective services.

2. The office shall be administered by a state ombudsman who shall be appointed by the secretary of state and devote his or her entire time to the duties of the state ombudsman's position. The state ombudsman shall serve for a term of four years and may be reappointed. To the maximum extent possible, the office of child protection

information shall be functionally separate from the department's child protective services responsibilities. The secretary of state shall have no supervision, authority, or control over the actions or decisions of the state ombudsman or the office of child protection information.

3. The office shall establish and implement procedures for receiving, processing, responding to questions, assisting with procedural issues, monitoring personnel, and resolving complaints made by persons with children who have received or are receiving child protective services relating to action, inaction, or decisions of social services agencies, juvenile officers, law enforcement, and the courts as deemed appropriate by the advisory commission established in section 210.963. Any investigation or complaint regarding personnel that is determined by the office to be substantiated shall be reported to the appropriate supervisors for such personnel.

4. The office shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter the home of a child who has received or is receiving child protective services if given permission by the child's parent or legal guardian who resides at such home and is requesting assistance from the office of child protection information;

(2) Enter any school or child care facility attended by the child and have access to children in the school or facility at a reasonable time and in a reasonable manner;

(3) Make the necessary inquiries and review such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of answering questions, providing procedural assistance, and verifying complaints.

5. The office shall acknowledge questions and complaints, report any findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The office shall analyze and monitor the development and implementation of federal, state, and local laws, rules, and policies with respect to child protective services in the state and shall recommend to the general assembly and department changes in such laws, rules, and policies deemed by the office to be appropriate.

7. The office shall develop and establish by rule statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

8. The office shall develop and propose programs for use, training, and coordination of volunteers in conjunction with regional ombudsman coordinators and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings, and other programs for volunteers; and

(3) Supply personnel, written materials, and such other reasonable assistance, including publicizing their activities, as may be deemed necessary.

9. The office shall prepare a written notice setting forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint, and other pertinent information. At the time a child is taken into protective custody, such written notice shall be provided by a department employee, law enforcement, or juvenile officer to the person from whom custody of the child is being taken.

210.963. 1. The office of child protection information shall be advised by a "Child Protection Information Advisory Commission" which is hereby created and shall be comprised of eleven members. Two members shall be appointed by the director of the department of social services, one of whom shall be a frontline child

protective services worker, and nine members shall be appointed by the secretary of state with the advice and consent of the senate, with three members appointed to represent the public, one member appointed to represent law enforcement, two members appointed to represent juvenile officers, two members appointed to represent parents with children who have received child protective services, and two members appointed to represent child care facilities. The secretary of state shall appoint impartial members who will thoroughly and fairly review the actions of the state in the investigation of alleged child abuse and neglect cases and the provision of child protective services.

2. The two members appointed by the department shall serve for the duration of their employment with the department or until the department, at the department's discretion, appoints a successor. The term of office for members appointed by the secretary of state shall be four years; except that of those first appointed, three members shall be appointed to two-year terms, three members shall be appointed to three-year terms, and three members shall be appointed to four-year terms. Members appointed by the secretary of state shall serve until their successors are duly appointed and qualified and vacancies shall be filled by appointment for the remaining portion of the unexpired term created by the vacancy.

3. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties while in attendance at committee meetings.

4. The commission shall:

(1) Assist the office of child protection information with policy issues and the development of an ombudsman program to ensure statewide consistency in addressing grievances of and the dissemination of information to persons with children who have received or are receiving child protective services;

(2) Evaluate the impact of the state laws related to child protective services and the rules promulgated thereunder on the children who have received or are receiving child protective services and their families;

(3) Review and assess the impact of enforcement policies on children who have received or are receiving child protective services and their families;

(4) Recommend to the department, law enforcement, juvenile officers, the courts, and the general assembly, as appropriate, changes in procedure, rules, or law which would facilitate child protective services procedures;

(5) Recommend rules establishing an expedited review of substantiated cases as determined by the department;

(6) Conduct hearings, determine facts, and make inquiries consistent with the purposes of this section; and

(7) Prepare an annual report for the general assembly detailing any relevant information, statistics, and recommendations, including but not limited to information on the number of children involved in actions by the office, the number of complaints received, and any abuses by officials.

210.965. 1. Any files maintained by the office of child protection information and the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files; except that the identity of any complainant or child shall not be disclosed by such ombudsman unless:

(1) Such complainant or the child's parent or legal guardian consents in writing to such disclosure;

(2) The immediate health, safety, or welfare of such child requires such disclosure; or

(3) Such disclosure is required by court order.

2. Any representative of the office conducting or participating in any examination of a question or complaint who shall knowingly and willfully disclose to any person other than the office, or those authorized by the office to receive such question or complaint, the name of any witness examined or any information obtained or given

upon such examination, shall be guilty of a class A misdemeanor.

3. Any statement or communication made by the office relevant to a question or complaint received by, proceedings before or activities of the office, and any complaint or information made or provided in good faith by any person, shall be absolutely privileged and such person shall be immune from suit.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 210.960 to 210.965, or where otherwise required by court order."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 2** is out of order as it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Gibbons moved that **SS** for **SB 687**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SB 687**, as amended, was declared perfected and ordered printed.

Senator Kenney moved that **SB 959**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 959**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 959

An Act to repeal section 143.451, RSMo, relating to the division of interstate income, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kenney moved that **SCS** for **SB 959** be adopted.

Senator Kenny offered **SS** for **SCS** for **SB 959**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 959

An Act to repeal section 620.1355, RSMo, and to enact in lieu thereof one new section relating to investment funds service corporations, with an emergency clause.

Senator Kenney moved that **SS** for **SCS** for **SB 959** be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **SB 959** was declared perfected and ordered printed.

Senator Rohrbach assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 631**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1260**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1119**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1109**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 721, 757, 818** and **930**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 1182**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 1241**, **SB 1253** and **SB 1189**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1246**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 1251**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1251, Page 1, Section 333.271, Line 1, by striking the following: "1."; and further amend lines 5 to 10, by striking said lines.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 1043**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 1269**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1119**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1203**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Mary Hass Sheid, as a member of the Board of Governors for Southwest Missouri State University;

Also,

Jasper Kee, as a member of the State Board of Barber Examiners;

Also,

Vicki M. Eller, as a student representative of the Board of Curators for University of Missouri;

Also,

Ronald L. Bobo, Sr., as a member of the Missouri Housing Development Commission;

Also,

Aubra A. Houchin, D.O., as a member of the Missouri Board of Respiratory Care;

Also,

Diane M. Benetz, as a member of the Board of Regents for Linn State Technical College;

Also,

Stephen R. Goff, D.V.M., as a member and Roger D. Shaw, Jr., as a public member of the Missouri Veterinary Medical Board;

Also,

Rosalyn Schultz, as a member of the Child Abuse and Neglect Review Board;

Also,

Larry D. Furbeck, as a member of the State Soil and Water Districts Commission;

Also,

Kennard O. Whitfield, as a member of the Missouri Seismic Safety Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SRB 1236--Rules, Joint Rules, Resolutions and Ethics.

SB 1249--Local Government and Economic Development.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1115**--Appropriations.

HB 1402--Commerce and Environment.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HCR 11**; **HCR 21** and **HCR 20** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SCS** for **SBs 721, 757, 818** and **930**; **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Singleton, Chairman of the Committee on Public Health and Welfare, Senator Kenney submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 1111**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 689**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 938**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1087**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 1279**, **SB 1162** and **SB 1164**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senators Bland and DePasco offered Senate Resolution No. 1229, regarding Westport Edison Senior Academy Blue Tigers Basketball Team, Kansas City, which was adopted.

Senator Gibbons offered Senate Resolution No. 1230, regarding Claire Pyne, Fenton, which was adopted.

Senator Westfall offered Senate Resolution No. 1231, regarding Sally Ann Nance, Bolivar, which was adopted.

Senator Caskey offered Senate Resolution No. 1232, regarding Betty Horine, Warrensburg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Steve Alexander, Hopkins; and Ron and Linda Gibsen, Norborne.

Senator Bentley introduced to the Senate, her husband, Dr. John D. Bentley; their son, Jeff Bentley; and their grandson, John Sumner Bentley, Springfield; and John Sumner was made an honorary page.

Senator Rohrbach introduced to the Senate, civics students from Weaubleau School, Weaubleau.

Senator Bentley introduced to the Senate, Karen Livieri, GRI, Springfield.

Senator Schneider introduced to the Senate, Susan Schneider and 95 fourth grade students from McCurdy Elementary School, North County St. Louis; and Krik Golaszewski, Kelsey Pecoraro, Danielle Schlenk and LaNeare Taylor were made honorary pages.

Senator Wiggins introduced to the Senate, students from Bryant Elementary School, Kansas City.

Senator Rohrbach introduced to the Senate, students from St. Peter's School, Jefferson City; and Elizabeth Beide, Kara Hunton and Matthew Strobe were made honorary pages.

Senator Jacob introduced to the Senate, Kathy Lee and students from Christian Fellowship School, Columbia.

Senator Staples introduced to the Senate, Geraldine Rader and 40 seventh grade students from Winona.

Senator Loudon introduced to the Senate, Mary Kurth and students from Remington Traditional School, Maryland Heights.

Senator Cauthorn introduced to the Senate, former State Representative Don Summers and his son, Thomas Summers, Putnam County; Brett Blomme, Memphis; and Michele Bon, Brazil.

On behalf of Senator Westfall, the President introduced to the Senate, the Physician of the Day, Dr. Jeff Tedrow and his daughter, Emily, Bolivar; and Emily was made an honorary page.

Senator Staples introduced to the Senate, George Womack and 15 ninth through twelfth grade students from Van Buren R-I School, Van Buren.

Senator Kenney introduced to the Senate, Cindy Grant and fourth grade students from Glendale Elementary School, Independence.

Senator Kinder introduced to the Senate, 75 fourth grade students from Blanchard Elementary School, Cape Girardeau; and Dominique Jones, Erica Childs and Josh Schindele were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 2:00 p.m., Monday, March 18, 2002.

SENATE CALENDAR

FORTIETH DAY-MONDAY, MARCH 18, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1248-Mathewson and
Kenney

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1817

HS for HCS for HB 1877-

Foley

THIRD READING OF SENATE BILLS

SS for SS for SCS for SBs

970, 968, 921, 867, 868 & 738-Westfall

(In Budget Control)

SCS for SBs 721, 757, 818

& 930-Westfall

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SBs 817, 978 & 700-

Gross, with SCS

2. SBs 837, 866, 972 &

990-Cauthorn, with SCS

3. SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS

4. SBs 894, 975 & 927-

Kinder, with SCS

5. SBs 670 & 684-Sims, with SCS

6. SB 1005-Loudon

7. SBs 741, 929 & 871-

Wiggins, with SCS

8. SBs 1061 & 1062-

Rohrbach and Kenney, with SCS

9. SBs 843 & 658-Stoll, with SCS

10. SB 647-Goode, with SCS

11. SBs 969, 673 & 855-

Westfall and Bentley,

with SCS

12. SB 1059-Bentley, et al,

with SCS

13. SB 1052-Sims, with SCS

14. SB 884-DePasco and

Kenney, with SCS

15. SBs 984 & 985-

Steelman, with SCS

16. SB 1046-Gross and

House, with SCS

17. SB 1103-Westfall, et al

18. SBs 915, 710 & 907-

Westfall, et al, with SCS

19. SBs 923, 828, 876, 694

& 736-Sims, with SCS

20. SB 676-Yeckel, et al, with SCS

21. SB 900-Goode, et al, with SCS

22. SB 1107-Childers, with SCS

23. SB 912-Mathewson,

with SCS

24. SB 892-Kenney, with SCS

25. SB 910-Gibbons

26. SB 1104-Mathewson

27. SB 954-Loudon, with SCS

28. SB 1014-Klindt and Kinder

29. SB 1152-Klarich, with SCS

30. SBs 766, 1120 & 1121-

Steelman, with SCS

31. SB 926-Kenney, et al,

with SCS

32. SB 1140-Rohrbach

33. SBs 1112 & 854-Caskey

and Russell, with SCS

34. SB 1111-Quick, with SCS

35. SB 689-Gibbons, et al,

with SCS

36. SB 938-Cauthorn, et al

37. SB 1087-Gibbons, et al, with SCS

38. SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell,
et al, with SCS (pending)
SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
SB 660-Westfall, et al, with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
SB 668-Bentley, with SS &
SA 1 (pending)
SB 881-Steelman and Yeckel,
with SCS & SS for SCS
(pending)

SBs 958 & 657-Kinder,
with SCS
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Reported 2/5

SB 995-Rohrbach

Reported 3/4

SB 1012-Caskey, with SCA 1

SB 1102-Westfall

SB 980-Singleton and

Schneider, with SCS

Reported 3/5

SB 810-Dougherty, with SCS

SB 1028-Russell

SB 1143-Jacob

SB 1007-Stoll, with SCS

SB 1210-Johnson, with SCS

SB 1186-Kenney

Reported 3/11

SB 874-Bentley, with SCS

SB 947-Klindt and Stoll,
with SCS

SB 1199-Foster

SB 1070-Gibbons, with SCS

SB 1039-DePasco

Reported 3/12

SB 1163-Steelman, with SCS

SB 1243-Johnson

SB 1124-Dougherty

Reported 3/13

SB 1130-House, with SCS

SB 1137-Bentley, with SCS

SB 1227-Rohrbach, with SCS

SB 1244-Bland, et al

SB 1259-Loudon, with SCS

SB 1258-Loudon, with SCS

SB 732-Bland, with SCS

SB 1217-Coleman

SB 1212-Mathewson, with SCS

SB 680-Bland, with SCS

SB 1207-Bentley, with SCS

SB 1220-Sims

SB 1247-Quick

SB 739-Wiggins, with SCS

SB 957-Loudon, et al, with SCS

SB 1202-Westfall, with SCS

SB 1093-Loudon, with SCS

SB 1213-Mathewson

Reported 3/14

SB 1182-Singleton, with SCS

SBs 1241, 1253 & 1189-

Coleman and Bland,

with SCS

SB 1246-Yeckel, with SCS

SB 1251-Gibbons, with SCA 1

SB 1043-Bland, with SCS

SB 1269-Cauthorn

SB 1119-Johnson

SB 1203-Yeckel, with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

Reported from Committee

SR 1054-Singleton

SCR 51-Mathewson and
Yeckel, with SCA 1

SCR 41-Rohrbach

SR 1109-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY--MONDAY, MARCH 18, 2002

The Senate met pursuant to adjournment.

Senator Westfall in the Chair.

Reverend Carl Gauck offered the following prayer:

"I believe in one God, Creator of the Universe. That He governs it by His Providence. That He ought to be worshipped. That the most acceptable Service we render to Him is doing good to His other Children." (Benjamin Franklin, 3/9/1790)

Gracious Creator God, we give You thanks for the blessings of this world You have created and the joy we have in serving those who have elected us. Make us particularly mindful for the opportunities we together may have to help deal with the difficulties of life our brother and sister Missourians must face, often on a daily basis. Help us ensure justice and worship You always. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 14, 2002, was read and approved.

Senator Kenney requested unanimous consent of the Senate to correct the Senate Journal for Wednesday, March 13, 2002, Page 543, Column 1, Lines 10-12, by deleting said lines and inserting in lieu thereof the following:

"recommends that the bill do pass and be placed on the Consent Calendar.", which request was granted.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	House	Jacob
Johnson	Kennedy	Kenney	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--27	
Absent with leave--Senators			
Goode	Gross	Kinder	Klarich
Loudon	Quick	Yeckel--7	

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1233, regarding Margaret "Peggy" Leon, St. Louis, which was adopted.

On behalf of Senator Yeckel, Senator Kenney offered Senate Resolution No. 1234, regarding American Legion Post 300, St. Louis, which was adopted.

Senator House offered Senate Resolution No. 1235, regarding Bob Kilby, Louisiana, which was adopted.

Senator House offered Senate Resolution No. 1236, regarding Kathleen J. Smith, Louisiana, which was adopted.

Senator House offered Senate Resolution No. 1237, regarding Marynell McFarland, Louisiana, which was adopted.

Senator House offered Senate Resolution No. 1238, regarding Gail Smith, Louisiana, which was adopted.

Senator House offered Senate Resolution No. 1239, regarding Deb Ireland, Frankford, which was adopted.

Senator Stoll offered Senate Resolution No. 1240, regarding Anthony A. Hughes, Arnold, which was adopted.

Senator Stoll offered Senate Resolution No. 1241, regarding Maury J. Ellebrecht, House Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1242, regarding Donna M. Thornton, Lee's Summit, which was adopted.

Senators Kenney and Loudon offered Senate Resolution No. 1243, regarding Kayla Marlene Lightfoot, Bridgeton, which was adopted.

Senators Kenney and Gross offered Senate Resolution No. 1244, regarding Monica Durrwachter, St. Peters, which was adopted.

Senators Kenney and Yeckel offered Senate Resolution No. 1245, regarding Sarah M. Douglas, Kirkwood, which was adopted.

Senator Kenney offered Senate Resolution No. 1246, regarding Emily Pratt, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1247, regarding Melissa Banning, Lawson, which was adopted.

Senators Kenney and Westfall offered Senate Resolution No. 1248, regarding Daberath McGinnis, Bolivar, which was adopted.

Senators Kenney and Russell offered Senate Resolution No. 1249, regarding Heather Morris, Mountain Grove, which was adopted.

Senators Kenney and Klarich offered Senate Resolution No. 1250, regarding Jacquelyn "Jackie" Rice, Washington, which was adopted.

Senator Kenney offered Senate Resolution No. 1251, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dorman Coy, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1252, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard I. Christensen, Independence, which was adopted.

Senator Stoll offered Senate Resolution No. 1253, regarding Jason Wagoner, Imperial, which was adopted.

Senator Stoll offered Senate Resolution No. 1254, regarding Ms. Thais Ribeiro Vasco, Vitoria, Brazil, which was adopted.

Senator Stoll offered Senate Resolution No. 1255, regarding Ms. Mirjam Baumert, Hannover, Germany, which was adopted.

Senator Stoll offered Senate Resolution No. 1256, regarding Ms. Lisa Kraemer, Bingen, Germany, which was adopted.

Senator Stoll offered Senate Resolution No. 1257, regarding Mr. Hans Christian Dambeck, Rietberg, Germany, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1258, regarding Corrections Officer III Joseph Holtmeyer, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1259, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tracy Wiley, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1260, regarding Barbara A. Schanuth, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1261, regarding Terry A. Surface, Jefferson City, which was adopted.

Senators Bentley and Childers offered Senate Resolution No. 1262, regarding Kevin Michale Lee Martin, Springfield, which was adopted.

Senator Schneider offered Senate Resolution No. 1263, regarding Bill and Rosemary Cira, Bellefontaine Neighbors, which was adopted.

Senator Caskey offered Senate Resolution No. 1264, regarding Emily A. Abdoler, Clinton, which was adopted.

THIRD READING OF SENATE BILLS

SB 1012, with **SCA 1**, introduced by Senator Caskey, entitled:

An Act to repeal section 8.231, RSMo, relating to guaranteed energy cost savings contracts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Rohrbach assumed the Chair.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 1012**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	House	Jacob	Johnson
Kennedy	Kenney	Klindt	Mathewson
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--25			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators

Goode	Gross	Kinder	Klarich
Loudon	Quick	Schneider	Yeckel--8

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 1102, introduced by Senator Westfall, entitled:

An Act to repeal section 191.680, RSMo, relating to nuisance, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 1102** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	House	Jacob
Johnson	Kennedy	Kenney	Klindt
Mathewson	Rohrbach	Russell	Sims
Staples	Steelman	Stoll	Westfall
Wiggins--25			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Goode	Gross	Kinder	Klarich
Loudon	Quick	Schneider	Singleton
Yeckel--9			

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 810, with **SCS**, introduced by Senator Dougherty, entitled:

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.135 and 660.136, RSMo, relating to the utilicare program, and to enact in lieu thereof seven new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 810**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 810

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.135 and 660.136, RSMo, relating to the utilicare program, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 810** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SB 810** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Coleman
DePasco	Dougherty	Foster	Gibbons
House	Jacob	Johnson	Kennedy
Kenney	Klindt	Mathewson	Rohrbach
Russell	Staples	Steelman	Stoll
Westfall	Wiggins--22		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Bentley	Cauthorn	Goode	Gross
Kinder	Klarich	Loudon	Quick
Schneider	Sims	Singleton	Yeckel--12

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 665**; **SS** for **SB 687**; **SCS** for **SB 836**; **SS** for **SCS** for **SB 840**; and **SS** for **SCS** for **SB 959**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

SB 817, **SB 978** and **SB 700**, with **SCS**, were placed on the Informal Calendar.

SB 837, **SB 866**, **SB 972** and **SB 990**, with **SCS**, were placed on the Informal Calendar.

SB 688, **SB 663**, **SB 691**, **SB 716**, **SB 759**, **SB 824** and **SB 955**, with **SCS**, were placed on the Informal Calendar.

SB 894, **SB 975** and **SB 927**, with **SCS**, were placed on the Informal Calendar.

SB 670 and **SB 684**, with **SCS**, were placed on the Informal Calendar.

SB 1005 was placed on the Informal Calendar.

Senator Wiggins moved that **SB 741**, **SB 929** and **SB 871**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 741, 929** and **871**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 741, 929 and 871

An Act to repeal sections 194.210, 194.220, 194.230, 194.233, 194.240, 194.297, 194.299, 194.300, 194.302, 301.020, 302.171 and 302.181, RSMo, relating to organ donation and procure-ment, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions and with a delayed effective date for a certain section.

Was taken up.

Senator Wiggins moved that **SCS** for **SBs 741, 929** and **871** be adopted, which motion prevailed.

Senator Childers assumed the Chair.

On motion of Senator Wiggins, **SCS** for **SBs 741, 929** and **871** was declared perfected and ordered printed.

Senator Rohrbach moved that **SB 1061** and **SB 1062**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1061** and **1062**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1061 and 1062

An Act to repeal sections 354.085, 354.405 and 354.603, RSMo, and to enact in lieu thereof four new sections relating to health insurance administrative simplification.

Was taken up.

Senator Rohrbach moved that **SCS** for **SBs 1061** and **1062** be adopted.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 4, Section 354.405, Line 77, by striking the bracket "[" following the word "**filing**" and further amend said bill, page and section, line 78, by striking the bracket "]" following the word "**approved**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Pages 2 and 5, Sections 354.085 and 354.405, Lines 29 and 92, by inserting immediately thereafter "**Such amendment shall have the force and effect as if the amendment was in the original filing or policy.**".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Westfall assumed the Chair.

Senator Rohrbach offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 2, Section 354.085, Line 20, by striking the words "**maintenance organization**" and inserting in lieu thereof the following "**services corporation**"; and

Further amend said bill, page, and section, line 23, by striking the words "**maintenance organization**" and inserting in lieu thereof the following: "**services corporation**"; and

Further amend said bill, page, and section, line 26, by striking the words "**maintenance organization**" and inserting in lieu thereof the following: "**services corporation**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach moved that **SCS** for **SBs 1061** and **1062**, as amended, be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SBs 1061** and **1062**, as amended, was declared perfected and ordered printed.

Senator Stoll moved that **SB 843** and **SB 658**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 843** and **658**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 843 and 658

An Act to repeal sections 441.060, 700.100, 700.385, 700.455, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537 and 700.539, RSMo, relating to manufactured housing, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **SBs 843** and **658** be adopted.

Senator Stoll offered **SS** for **SCS** for **SBs 843** and **658**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 843 and 658

An Act to repeal sections 441.060, 700.100, 700.350, 700.355, 700.360, 700.365, 700.370, 700.385, 700.455, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537 and 700.539, RSMo, relating to manufactured housing, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Senator Stoll moved that **SS** for **SCS** for **SBs 843** and **658** be adopted, which motion prevailed.

Senator Rohrbach assumed the Chair.

On motion of Senator Stoll, **SS** for **SCS** for **SBs 843** and **658** was declared perfected and ordered printed.

SB 647, with **SCS**, was placed on the Informal Calendar.

Senator Westfall moved that **SB 969**, **SB 673** and **SB 855**, with **SCS**, be taken up for perfection, which motion

prevailed.

SCS for SBs 969, 673 and 855, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 969, 673 and 855

An Act to repeal sections 217.690, 556.061, 589.400, 589.417 and 632.483, RSMo, relating to sexual offenses, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator Westfall moved that SCS for SBs 969, 673 and 855 be adopted.

Senator Westfall offered SS for SCS for SBs 969, 673 and 855, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 969, 673 and 855

An Act to repeal sections 43.540, 217.690, 556.061, 589.400, 589.410, 589.417 and 632.483, RSMo, relating to sexual offenses, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions and an emergency clause.

Senator Westfall moved that SS for SCS for SBs 969, 673 and 855 be adopted.

Senator Dougherty offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 11, Section 556.061, Line 15, by inserting after all of said line the following:

"565.151. 1. A person commits the crime of enticement of a child if that person, for the purpose of engaging in sexual conduct with a child, attempts to persuade or persuades whether by words or actions or both or through communication via the Internet or electronic mail, any person who is less than fifteen years of age to:

(1) Leave home or school; or

(2) Enter a vehicle, building, structure, alley, or any other enclosed area so that the child is concealed from public view.

2. Nothing contained in this section shall prevent the lawful detention of a child or the rendering of aid or assistance to a child.

3. Enticement of a child is a class A misdemeanor unless the person has previously pled guilty to or been found guilty of violating the provisions of this section, section 568.045, 568.050, or section 568.060, RSMo, or chapter 566, RSMo, in which case it is a class D felony."; and

Further amend said page, section 566.145, line 22, by inserting after all of said line the following:

"566.151. 1. A person commits the crime of luring a child for sexual purposes if the person:

(1) Is twenty-one years of age or older;

(2) Has the intent of engaging in an act of sexual conduct; and

(3) Solicits a person who is, or whom the person believes to be, less than fifteen years of age, to perform an act of sexual conduct.

2. It is not an affirmative defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. As used in this section, "solicit" means to request, urge, command or authorize another to perform an act. Such solicitation may occur by any means, including but not limited to, in person, over the telephone, in writing or by computer.

4. Luring a child for sexual purposes is a class D felony, unless the person solicited is, or is believed by the actor to be, less than fourteen years of age, in which case the crime is a class C felony."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Childers offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 1, Section 565.151, Line 11, by inserting after the word "other" the following: "**secluded or**".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 1** to **SA 1** was withdrawn.

At the request of Senator Westfall, **SB 969**, **SB 673** and **SB 855**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

RESOLUTIONS

On behalf of Senator Loudon, Senator Kenney offered Senate Resolution No. 1265, regarding Kayla Marlene Lightfoot, Maryland Heights, which was adopted.

Senator Steelman offered Senate Resolution No. 1266, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cellus Stratman, Vienna, which was adopted.

Senator Stoll offered Senate Resolution No. 1267, regarding the Eightieth Birthday of Lawrence Ardel Graham, Florence, South Carolina, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Mathewson and himself, Senator Cauthorn introduced to the Senate, David Dick, Sedalia.

Senator Schneider introduced to the Senate, Sue Downs and students from Robinwood Elementary School, North County St. Louis; and Kayla Lang, Jasmine Frazier, Steven Webster and Matthew Webster were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY-TUESDAY, MARCH 19, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1248-Mathewson and
Kenney

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1817

HS for HCS for HB 1877-

Foley

THIRD READING OF SENATE BILLS

SS for SS for SCS for

SBs 970, 968, 921, 867,

868 & 738-Westfall

(In Budget Control)

SCS for SBs 721, 757,

818 & 930-Westfall

(In Budget Control)

SS for SB 665-Kenney

SS for SB 687-Gibbons and Yeckel

SCS for SB 836-Gross

and Dougherty

SS for SCS for SB 840-Gross

SS for SCS for SB 959-Kenney

and Kinder

SENATE BILLS FOR PERFECTION

1. SB 1059-Bentley, et al, with SCS

2. SB 1052-Sims, with SCS

3. SB 884-DePasco and

Kenney, with SCS

4. SBs 984 & 985-
Steelman, with SCS
5. SB 1046-Gross and
House, with SCS
6. SB 1103-Westfall, et al
7. SBs 915, 710 & 907-
Westfall, et al, with SCS
8. SBs 923, 828, 876, 694
& 736-Sims, with SCS
9. SB 676-Yeckel, et al, with SCS
10. SB 900-Goode, et al, with SCS
11. SB 1107-Childers, with SCS
12. SB 912-Mathewson, with SCS
13. SB 892-Kenney, with SCS
14. SB 910-Gibbons
15. SB 1104-Mathewson
16. SB 954-Loudon, with SCS
17. SB 1014-Klindt and Kinder
18. SB 1152-Klarich, with SCS
19. SBs 766, 1120 & 1121-
Steelman, with SCS
20. SB 926-Kenney, et al, with SCS
21. SB 1140-Rohrbach
22. SBs 1112 & 854-Caskey
and Russell, with SCS
23. SB 1111-Quick, with SCS
24. SB 689-Gibbons, et al,
with SCS
25. SB 938-Cauthorn, et al

26. SB 1087-Gibbons, et al,

with SCS

27. SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell,

et al, with SCS (pending)

SB 647-Goode, with SCS

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney, with SS#2,

SA 3 and SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 670 & 684-Sims, with SCS

SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS

SBs 817, 978 & 700-Gross,

with SCS

SBs 837, 866, 972 & 990-

Cauthorn, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 894, 975 & 927-Kinder,

with SCS

SBs 958 & 657-Kinder, with SCS

SBs 969, 673 & 855-Westfall

and Bentley, with SCS, SS

for SCS and SA 1 (pending)

SB 1005-Loudon

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 3/4

SB 980-Singleton and

Schneider, with SCS

Reported 3/5

SB 1028-Russell

SB 1143-Jacob

SB 1007-Stoll, with SCS

SB 1210-Johnson, with SCS

SB 1186-Kenney

Reported 3/11

SB 874-Bentley, with SCS

SB 947-Klindt and Stoll,

with SCS

SB 1199-Foster

SB 1070-Gibbons, with SCS

SB 1039-DePasco

Reported 3/12

SB 1163-Steelman, with SCS

SB 1243-Johnson

SB 1124-Dougherty

Reported 3/13

SB 1130-House, with SCS

SB 1137-Bentley, with SCS

SB 1227-Rohrbach, with SCS

SB 1244-Bland, et al

SB 1259-Loudon, with SCS

SB 1258-Loudon, with SCS

SB 732-Bland, with SCS

SB 1217-Coleman

SB 1212-Mathewson, with SCS

SB 680-Bland, with SCS

SB 1207-Bentley, with SCS

SB 1220-Sims

SB 1247-Quick

SB 739-Wiggins, with SCS

SB 957-Loudon, et al,

with SCS

SB 1202-Westfall, with SCS

SB 1093-Loudon, with SCS

SB 1213-Mathewson

Reported 3/14

SB 1182-Singleton, with SCS

SBs 1241, 1253 & 1189-

Coleman and Bland, with SCS

SB 1246-Yeckel, with SCS

SB 1251-Gibbons, with SCA 1

SB 1043-Bland, with SCS

SB 1269-Cauthorn

SB 1119-Johnson

SB 1203-Yeckel, with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

Reported from Committee

SR 1054-Singleton

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 41-Rohrbach

SR 1109-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIRST DAY--TUESDAY, MARCH 19, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"God has called us to a share in his creative power, and our desire is an element in the creation of the world of tomorrow." (J.H. Oldham)

Gracious Lord, so much of what we do today will not be of benefit to our people until some future time, so help us to discern the needs of today to direct our resources and laws for both a near future time and into that future some of us will not see. Bless our best efforts, O Lord, with Your spiritual presence and provide us with a vision into that "world of tomorrow." In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1268, regarding Travis Wayne Carihfield, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1269, regarding Danielle Cooper, Malden, which was adopted.

Senator Foster offered Senate Resolution No. 1270, regarding Bob Keathley, Bernie, which was adopted.

Senator Schneider offered Senate Resolution No. 1271, regarding Betsy Primo, Ballwin, which was adopted.

Senator Mathewson offered Senate Resolution No. 1272, regarding Phi Theta Kappa's All-Missouri Academic Team, which was adopted.

Senator Singleton moved that **SR 1054** be taken up for adoption, which motion prevailed.

On motion of Senator Singleton, **SR 1054** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Schneider	Stoll--3	
Absent with leave--Senators--None			

THIRD READING OF SENATE BILLS

SB 980, with **SCS**, introduced by Senators Singleton and Schneider, entitled:

An Act to repeal section 334.540, RSMo, relating to the licensing of physical therapists, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Singleton.

SCS for **SB 980**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 980

An Act to repeal section 334.540, RSMo, relating to the licensing of physical therapists, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SB 980** be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SB 980** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach

Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1028, introduced by Senator Russell, entitled:

An Act to repeal section 67.1866, RSMo, and to enact in lieu thereof one new section relating to law enforcement districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 1028** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Staples--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SB 1143, introduced by Senator Jacob, entitled:

An Act to repeal section 108.240, RSMo, relating to duties of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 1143** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Sims
Steelman	Stoll	Westfall	Wiggins--28
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Quick	Schneider	Singleton
Staples	Yeckel--6		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 817, SB 978** and **SB 700**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 817, 978** and **700**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 817, 978 and 700

An Act to repeal section 537.053, RSMo, relating to dram shop liability, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Gross moved that **SCS** for **SBs 817, 978** and **700** be adopted.

Senator Gross offered **SS** for **SCS** for **SBs 817, 978** and **700**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 817, 978 and 700

An Act to repeal section 537.053, RSMo, relating to dram shop liability, and to enact in lieu thereof one new section

relating to the same subject.

Senator Gross moved that **SS** for **SCS** for **SBs 817, 978 and 700** be adopted.

Senator Klarich assumed the Chair.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 1, Section A, Line 3, by inserting after all of said line the following:

"375.1730. Any insurance company which sells liability insurance which provides coverage for dram shop liability as described in section 537.053, RSMo, shall provide such coverage in a separate rider and charge a separate premium for such coverage. The rates for such insurance coverage shall be reviewed and approved by the director of the department of insurance."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Gross, Jacob and Steelman.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Coleman	DePasco
Dougherty	Goode	Jacob	Mathewson
Schneider	Staples	Steelman--11	
NAYS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Stoll
Westfall	Wiggins	Yeckel--19	
Absent--Senators			
Quick	Russell	Sims	Singleton--4
Absent with leave--Senators--None			

President Maxwell assumed the Chair.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 1, Section A, Line 3, by inserting after all of said line the following:

"375.1730. Any insurance company which sells liability insurance which provides coverage for dram shop liability as described in section 537.053, RSMo, shall provide such coverage in a separate rider and charge a separate premium for such coverage. The rates for such insurance coverage shall be reviewed by the director of the department of insurance who shall obtain and maintain records of experience to evaluate the justification of the rates charged for such coverage."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Gross offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 1, Section A, Line 3, by inserting after all of said line the following:

"375.1730. Any insurance company that sells liability insurance which provides coverage for dram shop liability as described in section 537.053, RSMo, shall report all costs associated with such coverages to the department of insurance. The rates for such coverage shall be governed pursuant to section 379.889, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above substitute amendment be adopted.

At the request of Senator Gross, **SB 817**, **SB 978** and **SB 700**, with **SCS**, **SS** for **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1043**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1246**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 739**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 741**, **929** and **871**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Diana L. Gray, M.D., 1619 Missouri Avenue, St. Louis City, Missouri 63104, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2004, and until her successor is duly appointed and qualified; vice, James Crane, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dennis D. Martin, 900 Main Street, Tarkio, Atchison County, Missouri 64491, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Brenda D. Newberry, Republican, 4 Chauser Drive, St. Peters, St. Charles County, Missouri 63376, as a member of the Missouri Minority Business Advocacy Commission, for a term ending September 2, 2004, and until her successor is duly appointed and qualified; vice, Homer Cavitte, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Pier C. Patterson, Democrat, 7638 Rosedale Drive, St. Louis, St. Louis County, Missouri 63121, as a member of the Missouri Ethics Commission, for a term ending March 15, 2006, and until her successor is duly appointed and qualified; vice, Carl Greenwall, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles E. Templeton, 1375 US Highway 65, Buffalo, Dallas County, Missouri 65622, as a member of the Personnel Advisory Board, for a term ending July 31, 2006, and until his successor is duly appointed and qualified; vice, Jerry Gladden, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mariann Tow, Republican, 4307 Red Bridge Road, Kansas City, Jackson County, Missouri 64137, as a member of the Missouri Ethics Commission, for a term ending March 15, 2006, and until her successor is duly appointed and qualified; vice, Donald Gann, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

THIRD READING OF SENATE BILLS

SB 1007, with **SCS**, introduced by Senator Stoll, entitled:

An Act to repeal sections 327.011, 327.031, and 327.081, RSMo, and to enact in lieu thereof three new sections relating to the professional board of architects, engineers, land surveyors and landscape architects.

Was called from the Consent Calendar and taken up.

SCS for **SB 1007**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1007

An Act to repeal sections 327.011, 327.031, 327.081, 327.401 and 327.411, RSMo, relating to the board of architects, engineers, surveyors and landscape architects, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **SB 1007** be adopted.

At the request of Senator Stoll, the above motion was withdrawn, which placed the bill back on the Calendar.

SB 1210, with **SCS**, introduced by Senator Johnson, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for the promotion of tourism.

Was called from the Consent Calendar and taken up.

SCS for **SB 1210**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1210

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for the promotion of tourism and convention facilities.

Was taken up.

Senator Johnson moved that **SCS** for **SB 1210** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 1210** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Russell--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 817, SB 978, and SB 700**, with **SCS, SS** for **SCS, SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 2** was again taken up.

At the request of Senator Gross, the above substitute amendment was withdrawn.

SA 2 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

Senator Gross offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 1, Section A, Line 3, by inserting after all of said line the following:

"375.1730. Any insurance company that sells liability insurance which provides coverage for dram shop liability as described in section 537.053, RSMo, shall report all costs associated with such coverages to the department of insurance. The rates for such coverage shall be governed pursuant to section 379.889, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 3, Section 537.053, Line 15, by inserting after all of said line the following:

"7. All sellers and servers of intoxicating liquor shall receive appropriate training, which is recognized by the division of liquor control, in order to recognize visibly intoxicated persons."

Senator Caskey moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 3, Section 537.053, Line 15, by inserting after all of said line the following:

"7. All sellers and servers of intoxicating liquor shall receive appropriate training in order to recognize a visibly

intoxicated person. The division of liquor control will approve such training. No employer may discharge his or her employee for refusing service to a visibly intoxicated person."

Senator Caskey moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Kennedy, Sims and Steelman.

SSA 1 for SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Goode	Jacob
Johnson	Kennedy	Klarich	Mathewson
Quick	Schneider	Stelman	Stoll--16
NAYS--Senators			
Bentley	Coleman	Foster	Gibbons
Gross	House	Kenney	Kinder
Klindt	Loudon	Rohrbach	Russell
Sims	Singleton	Westfall	Wiggins
Yeckel--17			
Absent--Senator Staples--1			
Absent with leave--Senators--None			

SA 4 was again taken up.

At the request of Senator Caskey, **SA 4** was withdrawn.

Senator Caskey offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Com-mittee Substitute for Senate Bills Nos. 817, 978 and 700, Page 3, Section 537.053, Line 15, by inserting after all of said line the following:

"7. No employer may discharge his or her employee for refusing service to a visibly intoxicated person."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Com-mittee Substitute for Senate Bills Nos. 817, 978 and 700, Page 2, Section 537.053, Lines 13-14 of said page, by striking the words "clear and convincing" and inserting in lieu thereof the following: "**preponderance of the**"; and further amend line 16 of said page, by inserting after the word "or" the following: "**by clear and convincing evidence that the seller**".

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bentley, Bland, Caskey and Childers.

SA 6 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Coleman	Johnson	Schneider	Stelman--8

NAYS--Senators

Cauthorn	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Sims	Singleton
Stoll	Wiggins	Yeckel--23	

Absent--Senators

Quick	Staples	Westfall--3
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Absent with leave--Senators--None

Senator Caskey offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 3, Section 537.053, Line 15, by inserting after all of said line:

"7. All servers of intoxicating liquor by the drink shall receive training to recognize visibly intoxicated persons."

Senator Caskey moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, by inserting after "receive" and before "Training" the words "reasonably adequate" and inserting after "Training" the words "within industry standards".

Senator Schneider moved that the above amendment be adopted.

President Maxwell assumed the Chair.

At the request of Senator Schneider, **SA 1** to **SA 7** was withdrawn.

SA 7 was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SS** for **SCS** for **SBs 817, 978 and 700**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross **SS** for **SCS** for **SBs 817, 978 and 700**, as amended, was declared perfected and ordered printed.

Senator Cauthorn moved that **SB 837, SB 866, SB 972 and SB 990**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 837, 866, 972 and 990**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 837, 866, 972 and 990

An Act to repeal sections 263.531, 348.430, 348.432 and 414.032, RSMo, relating to agriculturally-based fuels, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Cauthorn moved that SCS for SBs 837, 866, 972 and 990 be adopted.

Senator Cauthorn offered SS for SCS for SBs 837, 866, 972 and 990, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 837, 866, 972 and 990

An Act to repeal sections 348.430, 348.432 and 414.032, RSMo, relating to agriculturally-based fuels, and to enact in lieu thereof four new sections relating to the same subject.

Senator Cauthorn moved that SS for SCS for SBs 837, 866, 972 and 990 be adopted.

Senator Klarich offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 12, Section 414.032, Line 23 of said page, by inserting after the end of said line:

"Section 1. Sixty days after the effective date of the nationwide ban of methyl Tertiary-Butyl Ether (MTBE) by the federal government, MTBE shall not be added as an oxygenate to any fuel sold in Missouri. However, in any event, fuel containing MTBE shall not be sold in Missouri after July 31, 2004."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 12, Section 414.032, Line 8, of said page, by inserting after the word "additive" the following: **"or at least one percent oxygenate by weight"**; and further amend lines 11 to 14 of said page, by striking said lines and inserting in lieu thereof the following:

"3. [All sellers of motor fuel which has been blended with at least one percent oxygenate by weight shall notify the buyer at the pump of the type of oxygenate.] The".

Senator Cauthorn moved that the above amendment be adopted.

President Pro Tem Kinder assumed the Chair.

Senator Singleton offered SSA 1 for SA 2:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 12, Section 414.032, Lines 1-23, by deleting all of said section; and

Further amend title and enacting clause accordingly.

Senator Singleton moved that the above substitute amendment be adopted.

Senator Cauthorn offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, adding at the end of said amendment, the following:

"and further amend page 12, section 414.032, line 23, by adding the following:

"Section 2. Any fuel additive or oxygenate known to be a carcinogen shall be labeled as such."; and

Further amend title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

At the request of Senator Cauthorn, **SB 837**, **SB 866**, **SB 972** and **SB 990**, with **SCS**, **SS** for **SCS**, **SA 2**, **SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), were placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 840** to the Committee on State Budget Control.

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on pages 598 and 599, to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 740**; **SCS** for **SBs 1061** and **1062**; and **SS** for **SCS** for **SBs 843** and **658**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SB 740** to the Committee on State Budget Control.

RESOLUTIONS

Senators Staples and Stoll offered Senate Resolution No. 1273, regarding Jack B. Lawson, Bonne Terre, which was adopted.

Senator Bentley offered Senate Resolution No. 1274, regarding Dustin Wayne Brandhorst, Springfield, which was

adopted.

Senator Bentley offered Senate Resolution No. 1275, regarding Sue Schuble, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1276, regarding Dan Kinney, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1277, regarding James H. Cooper, Springfield, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 14, 2002

The Honorable Bob Holden

Governor of Missouri

State Capitol, Room 216

Jefferson City, MO 65101

RE: Appointment to the Missouri State Public Employees Deferred Compensation Commission

Dear Governor Holden:

Pursuant to Section 105.910 (RSMo 2000), I am appointing Senator Mike Gibbons (Republican), State Capitol, Room 226, Jefferson City, Missouri 65101 to serve on the Missouri State Public Employees Deferred Compensation Commission. Mike is an outstanding senator and will be an excellent representative for all state employees on this commission.

If you have any questions or require any further information, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Senator Jacob submitted the following:

March 19, 2002

Terry L. Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Re: SCS/SB 1130 (Consent Calendar, Reported 3/13/02)

Written Objection Pursuant to Senate Rule 45

Dear Terry:

By this letter and by separate letter delivered this date, I hereby file written objection to the "consent" status of SCS/SB 1130 and direct that said bill be returned to the Senate Judiciary Committee, pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,

/s/ Ken Jacob

Senator Ken Jacob

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Ken Holman, Jefferson City.

Senator Jacob introduced to the Senate, Mrs. Dalene DeLong, Ms. Laura Fehling and fourth grade students from Mill Creek Elementary School, Columbia; and Kathryn Cunningham, Mike Donnell, Robert Foster and Jessica Rogers were made honorary pages.

Senator Gross introduced to the Senate, his mother, Margaret Gross; and Carol Emison, St. Charles.

Senator Singleton introduced to the Senate, Ronnie Hendry, Brad Toler, Scott Ketchum, Stacy Alexander, Wesley Carrillo, Scott Spencer, Natalie Cook, Codi Busse and Sarah Craker from Missouri Southern State College, Joplin.

Senator Johnson introduced to the Senate, Ben Lyles, Sedalia.

Senator Klindt introduced to the Senate, Mr. Greg Frost, Steven Meixner, Michael O'Neal, Tony Solocio, Roger Cain, Leanna Eklof, Andrea Brown, Casey L. Campbell, Elizabeth Sahlberg, Angel Shupley and Cailin Dixon, Cainsville School, Cainsville.

Senator Bentley introduced to the Senate, Gregory Cecil, Columbia.

Senator Stoll introduced to the Senate, Hans Dambeck, Lisa Kraemer and Mirjam Baumert, Germany; Thais Vasco, Brazil; and Donna Boulicault, Arnold.

Senator Bland introduced to the Senate, Norma Collins, Lois Fitzpatrick and representatives of Grandparent Outreach from around the state.

Senator Bentley introduced to the Senate, Mike and Nancy White, Cynthia and Natalie Crise and Martha Crise, Springfield; and Natalie was made an honorary page.

Senator Klarich introduced to the Senate, Elizabeth, Matthew, Rachel and Susan Hellmann, Maryn Struckhoff, Brenda Williams, Ann Armstrong, Joe Leesmann, Michael Lutz and Jacquelyn Rice, Washington; and Sarah Heitzmann, Olivia Griffin and Dixie Griffin, Union.

Senator Schneider introduced to the Senate, Cindy Gauthier and fourth grade students from Halls Ferry Elementary School, North County St. Louis; and Danny Dougherty, Nate Lee, Lorenzo Parks and Terra Troll were made honorary pages.

On behalf of Senator House and himself, Senator Gross introduced to the Senate, Ruth Bruns, Pamela Kraemer and Brenda Durrwachter, St. Charles.

Senator Foster introduced to the Senate, Kody Okenfuss, Fisk; and Kody was made an honorary page.

On behalf of Senator Bland and himself, Senator Wiggins introduced to the Senate, Dr. Bernard Taylor, Jr., Kansas City.

Senator Cauthorn introduced to the Senate, Brenda Matheny, Mary Ann Singleton and 17 fourth grade students from Adair County R-I, Novinger.

Senator Yeckel introduced to the Senate, Earl and Steve Ogolin, St. Louis.

Senator Kennedy introduced to the Senate, 30 eighth grade students from St. Mary Magdalen School, St. Louis; and Michael Avalos and Gen Friedmann were made honorary pages.

Senator Kennedy introduced to the Senate, Nina Pilger and Charles Waalkes, St. Louis.

On behalf of Senator Klarich, the President introduced to the Senate, Joy Gerstein, Washington; and JoAnn Breckenridge, St. Louis County.

Senator Kinder introduced to the Senate, members of the Missouri Federation of Republican Women from around the state.

Senator Quick introduced to the Senate, Jim Chappel, North Kansas City.

Senator Kenney introduced to the Senate, Emily Pratt, Lee's Summit.

Senator Sims introduced to the Senate, Kayla Marlene Lightfoot, Bridgeton.

Senator Gross introduced to the Senate, Monica Durrwachter, St. Peters.

On behalf of Senator Russell and herself, Senator Steelman introduced to the Senate, Heather Morris, Mountain Grove.

Senator Yeckel introduced to the Senate, Sarah M. Douglas, Kirkwood.

Senator Westfall introduced to the Senate, Daberath McGinnis, Bolivar.

Senator Bentley introduced to the Senate, Melissa Banning, Lawson.

Senator Dougherty introduced to the Senate, Bill Hodge, Becky Creel and ninth grade students from Tower Grove Christian School, St. Louis.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Hal Williamson, M.D., Columbia.

Senator Mathewson introduced to the Senate, 20 eighth and ninth grade students from

Northwestern R-I School, Mendon.

Senator House introduced to the Senate, his daughter, Catherine, St. Charles.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1248-Mathewson and
Kenney

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al
HS for HB 1399-Ransdall
HCS for HB 1154
HB 1519-Boucher
HB 1192-Harding and Boucher
HB 1151-Smith
HCS for HBs 1134, 1100 & 1559
HCS for HB 1451
HCS for HB 1425
HB 1634-Hoppe
HB 1342-Farnen
HB 1381-Luetkenhaus
HB 1492-Seigfreid
HB 1421-McKenna, et al
HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1817

HS for HCS for HB 1877-

Foley

THIRD READING OF SENATE BILLS

1. SS for SS for SCS for

SBs 970, 968, 921, 867,

868 & 738-Westfall

(In Budget Control)

2. SCS for SBs 721, 757,
818 & 930-Westfall

(In Budget Control)

3. SS for SB 665-Kenney
4. SS for SB 687-Gibbons and Yeckel
5. SCS for SB 836-Gross and Dougherty
6. SS for SCS for SB 840-Gross

(In Budget Control)

7. SS for SCS for SB 959-
Kenney and Kinder

8. SCS for SBs 741, 929
& 871-Wiggins

9. SB 740-Wiggins

(In Budget Control)

10. SCS for SBs 1061 &
1062-Rohrbach and
Kenney

11. SS for SCS for SBs
843 & 658-Stoll

SENATE BILLS FOR PERFECTION

1. SB 1059-Bentley,
et al, with SCS

2. SB 1052-Sims, with SCS

3. SB 884-DePasco and
Kenney, with SCS

4. SBs 984 & 985-
Steelman, with SCS
5. SB 1046-Gross and
House, with SCS
6. SB 1103-Westfall, et al
7. SBs 915, 710 & 907-
Westfall, et al, with SCS
8. SBs 923, 828, 876, 694
& 736-Sims, with SCS
9. SB 676-Yeckel, et al,
with SCS
10. SB 900-Goode, et al,
with SCS
11. SB 1107-Childers, with
SCS
12. SB 912-Mathewson,
with SCS
13. SB 892-Kenney, with SCS
14. SB 910-Gibbons
15. SB 1104-Mathewson
16. SB 954-Loudon, with SCS
17. SB 1014-Klindt and Kinder
18. SB 1152-Klarich, with SCS
19. SBs 766, 1120 & 1121-
Steelman, with SCS
20. SB 926-Kenney, et al,
with SCS

21. SB 1140-Rohrbach
22. SBs 1112 & 854-Caskey
and Russell, with SCS
23. SB 1111-Quick, with SCS
24. SB 689-Gibbons, et al,
with SCS
25. SB 938-Cauthorn, et al
26. SB 1087-Gibbons, et al,
with SCS
27. SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 641 & 705-Russell, et
al, with SCS (pending)
- SB 647-Goode, with SCS
- SB 651-Singleton and
Russell, with SCS (pending)
- SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
- SB 660-Westfall, et al,
with SCS (pending)
- SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 670 & 684-Sims, with SCS

SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS

SBs 837, 866, 972 & 990-

Cauthorn, with SCS, SS

for SCS, SA 2, SSA 1 for

SA 2 & SA 1 to SSA 1

for SA 2 (pending)

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 894, 975 & 927-Kinder, with SCS

SBs 958 & 657-Kinder, with SCS

SBs 969, 673 & 855-

Westfall and Bentley,

with SCS, SS for SCS &

SA 1 (pending)

SB 1005-Loudon

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 3/5

SB 1007-Stoll, with SCS

SB 1186-Kenney Reported 3/11

SB 874-Bentley, with SCS

SB 947-Klindt and Stoll, with SCS

SB 1199-Foster

SB 1070-Gibbons, with SCS

SB 1039-DePasco

Reported 3/12

SB 1163-Steelman, with SCS

SB 1243-Johnson

SB 1124-Dougherty

Reported 3/13

SB 1137-Bentley, with SCS

SB 1227-Rohrbach, with SCS

SB 1244-Bland, et al

SB 1259-Loudon, with SCS

SB 1258-Loudon, with SCS

SB 732-Bland, with SCS

SB 1217-Coleman

SB 1212-Mathewson, with SCS

SB 680-Bland, with SCS

SB 1207-Bentley, with SCS

SB 1220-Sims

SB 1247-Quick

SB 957-Loudon, et al, with SCS

SB 1202-Westfall, with SCS

SB 1093-Loudon, with SCS

SB 1213-Mathewson

Reported 3/14

SB 1182-Singleton, with SCS

SBs 1241, 1253 & 1189-

Coleman and Bland, with SCS

SB 1251-Gibbons, with SCA 1

SB 1269-Cauthorn

SB 1119-Johnson

SB 1203-Yeckel, with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 41-Rohrbach

SR 1109-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SECOND DAY--WEDNESDAY, MARCH 20, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"As I am changed by what I discover in prayer, of the love of God, so my ability to live and proclaim the nature of the Kingdom is changed."
(Charles Elliott)

Almighty God, as we work through complex bills and think through their implications we recognize our need of prayer and in so doing are opened to Your love and we pray that will continue to affect our decisions and guide our actions. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 1278, regarding Neil Evans, Holts Summit, which was adopted.

CONCURRENT RESOLUTIONS

Senator Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 57

WHEREAS, sustained investment in electric, natural gas, water sewer and heating utility infrastructure is vital to the economic vitality and well-

being of the State of Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies compete with utility companies in other states for the capital necessary to sustain investment in utility infrastructure in Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies must achieve reasonable rates of return as compared to the rates of return achieved by utility companies in other states to ensure sustained investment in utility infrastructure in Missouri; and

WHEREAS, the utility regulatory process in Missouri, as it applies to electric, natural gas, water sewer and heating corporations, is governed primarily by Chapter 393, RSMo, which is largely unchanged since original enactment in 1913; and

WHEREAS, the potential for the deregulation of utilities in Missouri has received substantial legislative study in recent years, while the ongoing utility regulatory process and procedure has not enjoyed broad legislative evaluation; and

WHEREAS, the utility regulatory process must be periodically evaluated so as to promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies, by addressing policy and practice advances in areas including, but not limited to, non-traditional regulatory rate plans, performance-based regulatory rate plans, incentive regulatory rate plans, capital recovery schedules, consistency of utility regulatory policy with generally accepted accounting principles, consistency of utility regulatory policy with financial accounting standards, consistency of utility regulatory policy with generally accepted engineering principles, communication between and among participants in the regulatory process, time schedules for the initiation and conclusion of proceedings before utility regulatory agencies, the role, function and needs of the Public Service Commission, the role, function and needs of the Office of Public Counsel and the overall structure and cost of governmental utility regulatory agencies and the utility regulatory process:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Legislative Committee on Utility Regulation and Infrastructure Investment; and

BE IT FURTHER RESOLVED that said Committee be composed of five members of the Senate, to be appointed by the President Pro Tem and five members of the House of Representatives to be appointed by the Speaker of the House; and

BE IT FURTHER RESOLVED that said Committee conduct in-depth studies and make appropriate recommendations concerning: how the utility regulatory process and the results thereof in Missouri in regard to electric, natural gas, water sewer and heating utility companies compare to the utility regulatory process and the results thereof in other states; and how the utility regulatory process in Missouri in regard to electric, natural gas, water sewer and heating utility companies can, or should, be modernized to be more efficient and effective, ensure sustained investment in utility infrastructure and promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies; and

BE IT FURTHER RESOLVED that said Committee present a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said Committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Office of Public Counsel, political subdivisions of this state, energy utilities, water utilities, heating corporations and representatives of energy and water customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Committee, its members and any staff personnel assigned to the Committee incurred in attending meetings of the Committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 721, 757, 818 and 930**; and **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868 and 738**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

Senator Stoll moved that **SB 1007**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SB 1007** was again taken up.

Senator Stoll moved that **SCS** for **SB 1007** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 1007** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman--2		
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1186, introduced by Senator Kenney, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to required set-asides of private land by political subdivisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Kenney, **SB 1186** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman--2		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 874, with **SCS**, introduced by Senator Bentley, entitled:

An Act to repeal section 162.700, RSMo, relating to special education, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 874**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 874

An Act to repeal section 162.700, RSMo, relating to special education, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **SB 874** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 874** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Coleman	Johnson	Quick	Singleton--4
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for SS for SCS for SBs 970, 968, 921, 867, 868 and 738, introduced by Senator Westfall, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 970, 968, 921, 867, 868 and 738

An Act to repeal sections 136.055, 142.803, 144.805, 155.080, 226.540, 226.550, 226.573, 226.580, 226.585, 227.100, 302.720, 304.001, 304.190 and 305.230, RSMo, relating to transportation, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator Westfall, SS for SS for SCS for SBs 970, 968, 921, 867, 868 and 738 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Rohrbach-- 1			
Absent--Senators			
Coleman	Dougherty	Staples--3	
Absent with leave--Senator House-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Rohrbach-- 1			
Absent--Senators			
Coleman	Staples--2		

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for **SBs 721, 757, 818** and **930**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 721, 757, 818 and 930

An Act to repeal sections 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.321, 304.001, 304.022, 304.027, 304.190, 304.220, 304.351, 575.010 and 575.150, RSMo, relating to the regulation of traffic offenses, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Westfall.

On motion of Senator Westfall, **SCS** for **SBs 721, 757, 818** and **930** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Singleton--1

Absent--Senator Staples--1

Absent with leave--Senator House--1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SB 665**, introduced by Senator Kenney, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 665

An Act to amend chapter 182, RSMo, by adding thereto five new sections relating to public libraries, with penalty provisions.

Was taken up.

President Pro Tem Kinder assumed the Chair.

On motion of Senator Kenney, **SS** for **SB 665** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator House--1			

The President Pro Tem declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF GUESTS

Senator Jacob introduced to the Senate, the Missouri Teacher of the Year, Jill Bergee, Columbia, who assumed the dais and addressed the Senate.

THIRD READING OF SENATE BILLS

SS for **SB 687**, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 687

An Act to repeal sections 210.906, 211.183, 568.030, 568.045 and 568.050, RSMo, relating to abandonment of a child, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klarich assumed the Chair.

On motion of Senator Gibbons, **SS** for **SB 687** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Russell	Staples--2		
	Absent with leave--Senator House--1		

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for **SB 836**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 836

An Act to repeal sections 32.087 and 144.190, RSMo, and to enact in lieu thereof three new sections relating to the sales tax and refund procedures related to mobile telecommunications services, with an effective date.

Was taken up by Senator Gross.

Senator Gross offered **SPA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 836, Page 1, In the Title, Line 4, by inserting immediately after the word "date" the following: "and an emergency clause"; and

Further amend said bill, Page 8, Section B, Line 2, by inserting after all of said line the following:

"Section C. Because of the need to continue telecommunications services this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."

Senator Gross moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 836**, as amended by **SPA 1**, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Schneider
Sims	Singleton	Steelman	Stoll

Westfall	Wiggins	Yeckel--31
	NAYS--Senators--None	
	Absent--Senators	
Russell	Staples--2	
	Absent with leave--Senator House--1	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Staples--2		
	Absent with leave--Senator House--1		

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 959**, introduced by Senator Kenney, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 959

An Act to repeal section 620.1355, RSMo, and to enact in lieu thereof one new section relating to investment funds service corporations, with an emergency clause.

Was taken up.

On motion of Senator Kenney, **SS** for **SCS** for **SB 959** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell

Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator House--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator House--1			

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SCS for SBs 741, 929 and 871, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 741, 929 and 871

An Act to repeal sections 194.210, 194.220, 194.230, 194.233, 194.240, 194.297, 194.299, 194.300, 194.302, 301.020, 302.171 and 302.181, RSMo, relating to organ donation and procure-ment, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions and with a delayed effective date for a certain section.

Was taken up by Senator Wiggins.

On motion of Senator Wiggins, **SCS for SBs 741, 929 and 871** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator House--1

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for **SBs 1061** and **1062**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1061 and 1062

An Act to repeal sections 354.085, 354.405 and 354.603, RSMo, and to enact in lieu thereof four new sections relating to health insurance administrative simplification.

Was taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **SCS** for **SBs 1061** and **1062** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator House--1

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 843** and **658**, introduced by Senator Stoll, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 843 and 658

An Act to repeal sections 441.060, 700.100, 700.350, 700.355, 700.360, 700.365, 700.370, 700.385, 700.455, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537 and 700.539, RSMo, relating to manufactured housing, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Stoll, **SS** for **SCS** for **SBs 843** and **658** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1115**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SB 947, with **SCS**, introduced by Senators Klindt and Stoll, entitled:

An Act to repeal sections 360.106, 360.111, 360.112, 360.113, 360.114, 360.116, and 360.118, RSMo, and to enact in lieu thereof seven new sections relating to the Missouri health and educational facilities act.

Was called from the Consent Calendar and taken up by Senator Klindt.

SCS for **SB 947**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 947

An Act to repeal sections 360.106, 360.111, and 360.112, RSMo, and to enact in lieu thereof three new sections relating to the Missouri health and educational facilities act.

Was taken up.

Senator Klindt moved that **SCS** for **SB 947** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 947** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Coleman	Staples--2		
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1199, introduced by Senator Foster, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Sergeant Randy Sullivan Memorial Highway.

Was called from the Consent Calendar and taken up.

On motion of Senator Foster, **SB 1199** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Jacob	Singleton	Staples--3	
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1070, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to repeal sections 43.540 and 589.410, RSMo, relating to protection of children, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1070**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1070

An Act to repeal sections 43.540 and 589.410, RSMo, relating to protection of children, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1070** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1070** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Singleton	Staples--3	
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1039, introduced by Senator DePasco, entitled:

An Act to repeal section 99.134, RSMo, relating to municipal housing authority com-missioners, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 1039** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Singleton	Staples--2		
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1163, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal section 643.220, RSMo, relating to the air emissions banking and trading program, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1163**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1163

An Act to repeal section 643.220, RSMo, relating to the air emissions banking and trading program, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Steelman moved that **SCS** for **SB 1163** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 1163** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Singleton	Staples--2		
	Absent with leave--Senator House--1		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1243, introduced by Senator Johnson, entitled:

An Act to repeal sections 419.010, 419.020, 419.030 and 419.040, RSMo, relating to lodging establishments, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 1243** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Goode--1		
	Absent--Senators		
Singleton	Staples--2		
	Absent with leave--Senator House--1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 1248--Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1159**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1214**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special motorcycle license plates for veterans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1624**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto three new sections relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1204**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1093**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1714**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a St. Louis College of Pharmacy special license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1205**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a civil air patrol license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1411**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a Hearing Impaired Kids Endowment Fund, Inc., license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1094**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1397**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1391**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1272**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1918**, entitled:

An Act to repeal section 304.235, RSMo, and to enact in lieu thereof one new section relating to avoidance of weigh stations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Brenda D. Newberry for the Missouri Minority Business Advocacy Commission, submitted to you on March 18, 2002. Line 4 should be amended to read:

qualified; vice, Michelle Lathan, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above addendum to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 817, 978** and **700**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

THIRD READING OF SENATE BILLS

SB 1124, introduced by Senator Dougherty, entitled:

An Act to authorize the governor to convey certain property in the city of St. Louis.

Was called from the Consent Calendar and taken up.

On motion of Senator Dougherty, **SB 1124** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Jacob	Stoll--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1137, with **SCS**, introduced by Senator Bentley, entitled:

An Act to repeal sections 193.015, 193.045, 193.065, 193.085, 193.087, 193.115, 193.125, 193.145, 193.225, 193.245, 193.265, 473.697 and 490.620, RSMo, relating to electronic creation and access to birth and death records, and to enact in lieu thereof thirteen new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1137**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1137

An Act to repeal sections 193.045, 193.065, 193.085, 193.087, 193.115, 193.125, 193.145, 193.225, 193.245, 193.265, 473.697 and 490.620, RSMo, relating to electronic creation and access to birth and death records, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **SB 1137** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 1137** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Rohrbach
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Gross	Loudon--2		
Absent--Senators			
Coleman	Quick	Russell	Singleton
Staples--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1227, with **SCS**, introduced by Senator Rohrbach, entitled:

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

Was called from the Consent Calendar and taken up.

SCS for **SB 1227**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1227

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 1227** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 1227** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Kenney	Quick	Schneider	Singleton
Staples--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1244, introduced by Senator Bland, et al, entitled:

An Act to repeal section 191.925, RSMo, relating to the newborn hearing screening program, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bland.

On motion of Senator Bland, **SB 1244** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell

Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Quick	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1259, with **SCS**, introduced by Senator Loudon, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a food recovery program.

Was called from the Consent Calendar and taken up.

SCS for **SB 1259**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1259

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a food recovery program.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1259** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1259** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Singleton	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1258, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal section 28.160, RSMo, relating to fees charged by the state, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1258**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1258

An Act to repeal section 28.160, RSMo, relating to fees charged by the state, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1258** be adopted, which motion prevailed.

Senator Klarich assumed the Chair.

On motion of Senator Loudon, **SCS** for **SB 1258** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 732, with **SCS**, introduced by Senator Bland, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to welfare reform.

Was called from the Consent Calendar and taken up.

SCS for **SB 732**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 732

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to welfare reform, with an expiration date.

Was taken up.

Senator Bland moved that **SCS** for **SB 732** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 732** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Russell Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1217, introduced by Senator Coleman, entitled:

An Act to repeal section 137.495, RSMo, and to enact in lieu thereof one new section relating to tangible personal property listings.

Was called from the Consent Calendar and taken up.

On motion of Senator Coleman, **SB 1217** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt

Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 1212, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 41.948, RSMo, relating to students of higher education called to active military service, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1212**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1212

An Act to repeal section 41.948, RSMo, relating to students of higher education called to active military service, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 1212** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 1212** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Staples--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 680, with **SCS**, introduced by Senator Bland, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity.

Was called from the Consent Calendar and taken up.

SCS for **SB 680**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 680

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity.

Was taken up.

Senator Bland moved that **SCS** for **SB 680** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 680** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senator Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1207, with **SCS**, introduced by Senator Bentley, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to licensing requirements.

Was called from the Consent Calendar and taken up.

SCS for SB 1207, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1207

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to continuing medical education on autism.

Was taken up.

Senator Bentley moved that SCS for SB 1207 be adopted, which motion prevailed.

On motion of Senator Bentley, SCS for SB 1207 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1220, introduced by Senator Sims, entitled:

An Act to repeal sections 313.057, 313.230 and 313.810, RSMo, relating to licensing requirements, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, SB 1220 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton

Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Staples--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1247, introduced by Senator Quick, entitled:

An Act to amend chapter 87, RSMo, by adding thereto one new section relating to the division of certain pension benefits.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 1247** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Staples--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 957, with **SCS**, introduced by Senator Loudon, et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Was called from the Consent Calendar and taken up by Senator Loudon.

SCS for **SB 957**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 957

An Act to repeal section 301.131, RSMo, relating to license plates, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **SB 957** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 957** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Kinder	Quick	Staples--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1202, with **SCS**, introduced by Senator Westfall, entitled:

An Act to transfer sections 142.617, 142.830, 260.278, 260.385, 301.041, 301.265, 301.266, 301.267, 301.271, 301.275, 301.277, 304.200, 324.703, 324.706, 324.709, 324.712, 324.715, 324.718, 324.721, 324.724, 324.727, 324.730, 324.733, 324.736, 324.739, 324.742, 324.745, 387.010, 387.030, 387.040, 387.050, 387.060, 387.070, 387.080, 387.100, 387.110, 387.120, 387.130, 387.150, 387.180, 387.190, 387.200, 387.205, 387.207, 387.210, 387.300, 387.310, 387.320, 390.011, 390.020, 390.030, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063, 390.066, 390.071, 390.081, 390.101, 390.111, 390.116, 390.121, 390.126, 390.128, 390.136, 390.138, 390.141, 390.150, 390.151, 390.156, 390.171, 390.201, 390.260, 390.270, 390.280, 390.290, 390.300, 390.310, 390.320, 390.330, 622.015, 622.027, 622.030, 622.035, 622.090, 622.095, 622.100, 622.110, 622.115, 622.120, 622.130, 622.140, 622.150, 622.160, 622.170, 622.190, 622.200, 622.210, 622.220, 622.230, 622.240, 622.250, 622.260, 622.290, 622.300, 622.310, 622.320, 622.330, 622.340, 622.350, 622.360, 622.370, 622.380, 622.390, 622.400, 622.410, 622.420, 622.450, 622.460, 622.470, 622.480, 622.490, 622.500, 622.520, 622.530, 622.540, 622.615 and 622.617, RSMo, and to repeal sections 32.028, 144.030, 260.203, 260.270, 260.370, 260.375, 260.380, 260.390, 260.395, 260.420, 260.425, 260.430, 301.030, 301.057, 301.058, 301.059, 301.067, 301.090, 301.121, 301.130, 301.273, 301.279, 301.442, 302.756, 303.026, 303.350, 304.030, 304.170, 304.180, 304.230, 304.235, 304.240, 307.350, 311.390, 311.400, 311.420, 311.440, 311.450, 324.700, 386.020, 387.020, 387.240, 387.270, 387.280, 387.290, 387.340, 389.005, 389.300, 389.310, 389.610, 389.612, 389.614, 389.615, 389.780, 389.795, 389.810, 389.890, 389.895, 389.900, 389.920, 389.945, 389.991, 389.992, 389.993, 389.997, 389.998, 389.1005, 389.1010,

390.106, 390.146, 390.161, 390.176, 390.250, 390.340, 390.350, 391.070, 447.080, 621.015, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 622.430, 622.440, 622.510, 622.550, 622.600, 622.602, 622.604, 622.606, 622.608, 622.610, 622.612, 622.618 and 622.620, RSMo, section 622.010 as enacted in house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted in house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof two hundred thirty-seven new sections relating to compliance with the directives of executive order number 02-03, signed by the governor February 7, 2002, with penalty provisions and an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 1202**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1202

An Act to repeal sections 389.005, 389.610 and 621.015, RSMo, and to enact in lieu thereof six new sections relating to the directives of executive order number 02-03, signed by the governor February 7, 2002, with an emergency clause.

Was taken up.

Senator Rohrbach assumed the Chair.

Senator Westfall moved that **SCS** for **SB 1202** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 1202** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Caskey	Singleton--2		
Absent--Senators			
Bentley	Coleman	Staples	Stoll--4
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

	NAYS--Senators		
Caskey	Singleton--2		
	Absent--Senators		
Bentley	Coleman	Klarich	Staples--4
	Absent with leave--Senators--None		

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Loudon moved that motion lay on the table, which motion prevailed.

SB 1093, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal section 301.131, RSMo, relating to historic motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1093**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1093

An Act to repeal section 301.131, RSMo, relating to historic motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1093** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1093** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Kinder	Klarich
Staples--5			
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 1213, introduced by Senator Mathewson, entitled:

An Act to repeal sections 388.610 and 388.640, RSMo, relating to railroad corporations, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 1213** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Klarich	Singleton
Staples--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 837, SB 866, SB 972** and **SB 990**, with **SCS, SS** for **SCS, SA 2, SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SSA 1** for **SA 2** was again taken up.

At the request of Senator Cauthorn, the above amendment was withdrawn.

SSA 1 for **SA 2** was again taken up.

At the request of Senator Singleton, the above substitute amendment was withdrawn.

SA 2 was again taken up.

At the request of Senator Cauthorn, the above amendment was withdrawn.

Senator Goode offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 12, Section 414.032, Line 1, by inserting an opening bracket before "414.032"; and further amend said page, line 23, by inserting a closing bracket after the word "reprimand." and deleting all bold-faced language therein; and further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Pages 4-7, Section 348.430, by striking all of said section; and

Further amend said bill, Pages 7-11, Section 348.432, by striking all of said section and inserting in lieu thereof the following:

"348.430. 1. The tax credit created in this section shall be known as the "Agricultural Product Utilization Contributor Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) ["Contributor", an individual, partnership, corporation, trust, limited liability company, entity or person that contributes cash funds to the authority;

(3)] "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

[(4)] **(3) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility;**

(4) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:

(a) Hold a majority of the governance or voting rights of the entity and any governing committee;

(b) Control the hiring and firing of management; and

(c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;

(5) "Nonproducer member", a person, partnership, corporation, trust or limited liability company that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;

(6) "Producer member", a person, partnership, corporation, trust or limited liability company whose main purpose is agricultural production that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;

[(5)] (7) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. For tax year 1999, a [contributor] **producer member** who contributes funds to the authority may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 148, RSMo, chapter 147, RSMo, in an amount of up to one hundred percent of such contribution. The awarding of such credit shall be at the approval of the authority, based on the least amount of credits necessary to provide incentive for the contributions. A [contributor] **producer member** that receives tax credits for a contribution to the authority shall receive no other consideration or compensation for such contribution, other than a federal tax deduction, if applicable, and goodwill. A [contributor] **producer member** that receives tax credits for a contribution provided in this section may not be a member, owner, investor or lender of an eligible new generation cooperative **or eligible new generation processing entity** that receives financial assistance from the authority either at the time the contribution is made or for a period of two years thereafter.

4. A [contributor] **producer member** shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the [contributor] **producer member** meets all criteria prescribed by this section and the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section shall initially be claimed [for] **in** the taxable year in which the [contributor] **producer member** contributes funds to the authority. Any amount of credit that exceeds the tax due for a [contributor's] **producer member's** taxable year may be carried forward to any of the [contributor's] **producer member's** five subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred or sold. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. The funds derived from contributions in this section shall be used for financial assistance or technical assistance for the purposes provided in section 348.407, to rural agricultural business concepts as approved by the authority. The authority may provide or facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts, but limited to two million dollars per project or the net state economic impact, whichever is less. Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the loans, equity investments or guaranteed loans in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

6. In any given year, at least ten percent of the funds granted to rural agricultural business concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single rural agricultural business concept shall receive more than two hundred thousand dollars in grant awards from the authority. Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.

348.432. 1. The tax credit created in this section shall be known as the "New Generation Cooperative Incentive Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(3) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility and approved by the authority;

(4) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability

company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:

- (a) Hold a majority of the governance or voting rights of the entity and any governing committee;
- (b) Control the hiring and firing of management; and
- (c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;

[(4)] (5) "Employee-qualified capital project", an eligible new generation cooperative with capital costs greater than fifteen million dollars which will employ at least one hundred employees;

[(5)] (6) "Large capital project", an eligible new generation cooperative with capital costs greater than one million dollars;

[(6)] "Member", a person, partnership, corporation, trust or limited liability company that invests cash funds to an eligible new generation cooperative;]

(7) "Nonproducer member", a person, partnership, corporation, trust or limited liability company that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;

(8) "Producer member", a person, partnership, corporation, trust or limited liability company whose main purpose is agricultural production that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;

[(7)] (9) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;

[(8)] (10) "Small capital project", an eligible new generation cooperative with capital costs of no more than one million dollars.

3. Beginning tax year 1999, and [subsequent tax years] ending December 31, 2002, any **producer** member who invests cash funds in an eligible new generation cooperative or eligible new generation processing entity may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, or chapter 148, RSMo, chapter 147, RSMo, in an amount equal to the lesser of fifty percent of such **producer** member's investment or fifteen thousand dollars.

4. For all tax years beginning on or after January 1, 2003, any producer member who invests cash funds in an eligible new generation cooperative may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 147, RSMo, or chapter 148, RSMo, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars. Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3 of this section.

[4.] 5. A **producer** member shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the **producer** member meets all criteria prescribed by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section shall initially be claimed [for] in the taxable year in which the **producer** member contributes capital to an eligible new generation cooperative or eligible new generation processing entity. Any amount of credit that exceeds the tax due for a **producer** member's taxable year may be carried back to any of the **producer** member's three prior taxable years and carried forward to any of the **producer** member's five subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred, sold or otherwise conveyed and the new owner of the tax

credit shall have the same rights in the credit as the **producer** member. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

[5.] **6.** Ten percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits offered to small capital costs projects is unused in any calendar year, then the unused portion of tax credits may be offered to employee-qualified capital projects and large capital projects. If the authority receives more applications for tax credits for small capital projects than tax credits are authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for small capital projects.

[6.] **7.** Ninety percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to employee-qualified capital projects and large capital projects. If any portion of the ninety percent of tax credits offered to employee-qualified capital projects and large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may be offered to small capital projects. The maximum tax credit allowed per employee-qualified capital project is three million dollars and the maximum tax credit allowed per large capital project is one million five hundred thousand dollars. If the authority approves the maximum tax credit allowed for any employee-qualified capital project or any large capital project, then the authority, by rule, shall determine the method of distribution of such maximum tax credit. In addition, if the authority receives more tax credit applications for employee-qualified capital projects and large capital projects than the amount of tax credits authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for employee-qualified capital projects and large capital projects."; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 1, Section A, Line 4 of said page, by inserting after all of said line the following:

"142.028. 1. As used in this section, the following terms mean:

(1) "Fuel ethanol", one hundred ninety-eight proof ethanol denatured in conformity with the United States Bureau of Alcohol, Tobacco and Firearms' regulations and fermented and distilled in a facility whose principal (over fifty percent) feed stock is cereal grain or cereal grain by-products;

(2) "Fuel ethanol blends", a mixture of ninety percent gasoline and ten percent fuel ethanol in which the gasoline portion of the blend or the finished blend meets the American Society for Testing and Materials - specification number D-439;

(3) "Missouri qualified fuel ethanol producer", any producer of fuel ethanol whose principal place of business and facility for the fermentation and distillation of fuel ethanol is located within the state of Missouri and which has made formal application, posted a bond, and conformed to the requirements of this section.

2. The "Missouri Qualified Fuel Ethanol Producer Incentive Fund" is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified fuel ethanol producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified fuel ethanol producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified fuel ethanol producer shall only be eligible for the grant for a total of sixty months **unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the**

fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty month time period. The amount of the grant is determined by calculating the estimated gallons of qualified fuel ethanol production to be produced from Missouri agricultural products for the succeeding calendar month, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified fuel ethanol producer shall be eligible for a total grant in any [calendar] **fiscal** year equal to twenty cents per gallon for the first twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the [calendar] **fiscal** year plus five cents per gallon for the next twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the [calendar] **fiscal** year. All such qualified fuel ethanol produced by a Missouri qualified fuel ethanol producer in excess of twenty-five million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section. If actual production of qualified fuel ethanol during a particular month either exceeds or is less than that estimated by a Missouri qualified fuel ethanol producer, the department of agriculture shall adjust the subsequent monthly grant by paying additional amount or subtracting the amount in deficiency by using the calculation described in this subsection.

4. In order for a Missouri qualified fuel ethanol producer to obtain a grant from the fund for a particular month, an application for such funds shall be received no later than fifteen days prior to the first day of the month for which the grant is sought. The application shall include:

- (1) The location of the Missouri qualified fuel ethanol producer;
- (2) The average number of citizens of Missouri employed by the Missouri qualified fuel ethanol producer in the preceding quarter, if applicable;
- (3) The number of bushels of Missouri agricultural commodities used by the Missouri qualified fuel ethanol producer in the production of fuel ethanol in the preceding quarter;
- (4) The number of gallons of qualified fuel ethanol the producer expects to manufacture during the month for which the grant is applied;
- (5) A copy of the qualified fuel ethanol producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and
- (6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified fuel ethanol producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section. The director shall also establish procedures for bonding Missouri qualified fuel ethanol producers. Each Missouri qualified fuel ethanol producer who attempts to obtain moneys pursuant to this section shall be bonded in an amount not to exceed the estimated maximum monthly grant to be issued to such Missouri qualified fuel ethanol producer.

6. [No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."**; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn moved that **SS** for **SCS** for **SBs 837, 866, 972** and **990**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SS** for **SCS** for **SBs 837, 866, 972** and **990**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1592**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to the memorial for workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1532**, entitled:

An Act to repeal section 537.053, RSMo, and to enact in lieu thereof one new section relating to consumption of intoxicating beverage as proximate cause of injury in tort actions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1898**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto eleven new sections relating to a tax on licensed retail pharmacies in this state, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1403**, entitled:

An Act to amend chapter 436, RSMo, by adding thereto thirteen new sections relating to retainage in private building contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1202**, entitled:

An Act to repeal section 144.190, RSMo, and to enact in lieu thereof one new section relating to refunds of incorrectly collected sales tax to original purchasers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Courtney G. Beykirch, Republican, 1043 Country Club Drive, West Plains, Howell County, Missouri 65775, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 184.800.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Melba R. Hale, 14285 Trailtop Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2004, and until her successor is duly appointed and qualified; vice, John R. Lowry, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James D. Jackson, 316 South Institute Street, Richmond, Ray County, Missouri 64085, as a Member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2003, and until his successor is duly appointed and qualified; vice, Thomas Downey, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John J. McNerney, Democrat, 3637 North Main, Kansas City, Clay County, Missouri 64116, as a member of the Elevator Safety Board, for a term ending June 6, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Tobias J. T. Meeker, 4285 North Farm Road 159, Springfield, Greene County, Missouri 65803, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2005, and until his successor is duly appointed and qualified; vice, Michael Begleiter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry D. Neff, Democrat, 11333 Norway Road, Neosho, Newton County, Missouri 64850, as a member of the Missouri Development Finance Board, for a term ending September 14, 2002, and until his successor is duly appointed and qualified; vice, William Turner, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paula Nickelson, 1917 Lake Drive, Fulton, Callaway County, Missouri 65251, as a member of the Missouri Head Injury Advisory Council, for a term ending April 12, 2005, and until her successor is duly appointed and qualified; vice, Patricia Schlechte, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 20, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeanne R. Rhoades, 12778 Mason Manor, St. Louis, St. Louis County, Missouri 63141, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1279, regarding the death of Willie Ellen Odel Smith Martin Green, which was adopted.

Senator Coleman offered Senate Resolution No. 1280, regarding Reverend Dr. Robert C. Scott, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, his daughter, Catherine, St. Charles.

Senator House introduced to the Senate, Ryan and Kaylyn Masiakiewicz, St. Peters.

Senator Jacob introduced to the Senate, Commander Duane Ashton and Lieutenant Erik Griffiths, Pearl Harbor, Hawaii.

Senator Schneider introduced to the Senate, representatives of the 14th Senatorial District.

Senator Jacob introduced to the Senate, Justin Grout, Huntsville.

Senator Klindt introduced to the Senate, his wife, Sandra, his daughter-in-law, Kelly, and his grandchildren, Caleb, Gabe and Hannah Riekhoff and Aston and Landan Klindt, Bethany; and Caleb, Ashton, Gabe, Landan and Hannah were made honorary pages.

Senator Jacob introduced to the Senate, Missouri Teacher of the Year, Jill Bergee, Columbia.

Senator Caskey introduced to the Senate, Larry DesCombes and 40 eighth grade students and sponsors from Leeton School, Leeton.

Senator Kennedy introduced to the Senate, Susan Woods McGraugh and Amy Sanders, St. Louis.

Senator Quick introduced to the Senate, Mayor Benny Ward, Excelsior Springs.

Senator Yeckel introduced to the Senate, Claude and Nancy Leezy and Dick and Liz Coffmann, South St. Louis County.

Senator Caskey introduced to the Senate, Mr. and Mrs. Gary Grigsby, Warrensburg.

On behalf of Senator Klarich, the President introduced to the Senate, students from Chesterfield Elementary School, St. Louis County.

Senator Loudon introduced to the Senate, his father, Bob Loudon, Ballwin.

Senator Kenney introduced to the Senate, Fred and Susie Wilson, and their daughter, Emily, Doreen Wilson, and Jim and Isabella Smith, Independence; John and Jean Lamb, Fleetwood, England; and Emily was made an honorary page.

Senator Staples introduced to the Senate, Willie Oberman, Melanie Bawen and 60 fourth grade students from Bismarck R-V School, Bismarck; and Mike McNeary, Jacob Weir, Trisha Chunn and Brianna McGuire were made honorary pages.

Senator Westfall introduced to the Senate, Don and Kim McKee, Bolivar.

Senator Bentley introduced to the Senate, Casey Copeland and Patrick Rynard, Jefferson City.

Senator Westfall introduced to the Senate, Tina Holtmeyer, Washington; Sue Morgan, Lamar; and Greg Burris and Anson Elliott, Springfield.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-THIRD DAY-THURSDAY, MARCH 21, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1817

HS for HCS for HB 1877-

Foley

HB 1159-Boykins

HB 1214-Davis and Cooper

HB 1624-Skaggs, et al

HB 1204-Seigfreid and Relford

HB 1093-Relford and Seigfreid

HB 1714-Hilgemann and

Shelton

HB 1205-Seigfreid and Relford

HB 1411-Skaggs

HB 1094-Relford and Seigfreid

HB 1397-Ransdall

HB 1391-Smith

HB 1272-Smith

HB 1918-Koller

HB 1592-Hickey, et al

HS for HCS for HB 1532-Hoppe

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

THIRD READING OF SENATE BILLS

SS for SCS for SB 840-Gross

(In Budget Control)

SB 740-Wiggins (In Budget Control)

SS for SCS for SBs 817, 978

& 700-Gross

SENATE BILLS FOR PERFECTION

1. SB 1059-Bentley, et al,

with SCS

2. SB 1052-Sims, with SCS

3. SB 884-DePasco and

Kenney, with SCS

4. SBs 984 & 985-

Steelman, with SCS

5. SB 1046-Gross and

House, with SCS

6. SB 1103-Westfall, et al

7. SBs 915, 710 & 907-

Westfall, et al, with SCS

8. SBs 923, 828, 876, 694

& 736-Sims, with SCS

9. SB 676-Yeckel, et al,

with SCS

10. SB 900-Goode, et al, with

SCS

11. SB 1107-Childers, with

SCS

12. SB 912-Mathewson, with

SCS

13. SB 892-Kenney, with SCS

14. SB 910-Gibbons

15. SB 1104-Mathewson

16. SB 954-Loudon, with SCS

17. SB 1014-Klindt and Kinder

18. SB 1152-Klarich, with SCS

19. SBs 766, 1120 & 1121-

Steelman, with SCS

20. SB 926-Kenney, et al,

with SCS

21. SB 1140-Rohrbach

22. SBs 1112 & 854-Caskey

and Russell, with

SCS

23. SB 1111-Quick, with SCS

24. SB 689-Gibbons, et al,
with SCS

25. SB 938-Cauthorn, et al

26. SB 1087-Gibbons,
et al, with SCS

27. SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1115, with SCS
(Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell,
et al, with SCS (pending)

SB 647-Goode, with SCS

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 670 & 684-Sims, with

SCS

SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 894, 975 & 927-Kinder,

with SCS

SBs 958 & 657-Kinder,

with SCS

SBs 969, 673 & 855-

Westfall and Bentley,

with SCS, SS for SCS &

SA 1 (pending)

SB 1005-Loudon

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 3/14

SB 1182-Singleton, with SCS

SBs 1241, 1253 & 1189-

Coleman and Bland, with SCS

SB 1251-Gibbons, with SCA 1

SB 1269-Cauthorn

SB 1119-Johnson

SB 1203-Yeckel, with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1028-Schneider

To be Referred

SCR 57-Steelman

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 41-Rohrbach

SR 1109-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FORTY-THIRD DAY--THURSDAY, MARCH 21, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"My soul will be satisfied as with the richest of foods: with singing lips my mouth will praise you." (Psalm 63:5)

We Praise You O God! As we finish our business here we will have time to reflect on what this coming week means to so many Americans and to us. We hear and are prepared to celebrate Your promise of victory over death and the hope that springs forth in our souls. We thank You for the time we can have with our families and time to be refreshed and renewed with the promise of new life. And Lord, we pray, may our lives be a witness to the joy we receive daily from Your gracious hand. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Loudon--1

The Lieutenant Governor was present.

RESOLUTIONS

Senators Coleman and Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1281

WHEREAS, the members of the Missouri Senate take tremendous pride in honoring an exceptional group of young athletes whose incredible talent, drive, and determination have enabled them to preserve their well-deserved fame as the most dominant high school basketball team in the entire Show-Me State; and

WHEREAS, the Vashon Senior Prep Basketball Team in St. Louis proudly put on another spectacular performance at the Hearnes Center in Columbia to earn honor, glory, and distinction in unequivocal fashion as 4A Missouri State Champions; and

WHEREAS, the Vashon Wolverines realized this impressive feat by demolishing the DeSmet Spartans in an exciting 82-27 contest that once again proved their overall superiority on the court; and

WHEREAS, the 2002 Vashon victory in the 4A Championship game marked the third year in a row that the Wolverines successfully attained their goal of claiming the State Crown and demonstrating their remarkable ability as the Number One team in Missouri; and

WHEREAS, the Vashon triumph was led by veteran coach, Floyd Irons, who for twenty-nine years has put forth great effort to guide, inspire, and train his players for any challenge they might encounter in their never-ending quest for excellence both on and off the court; and

WHEREAS, each and every member of the 4A State Champion team from Vashon High School displayed a phenomenal degree of commitment to excel in all aspects of endeavor, striving to master individual techniques as an enhancement to sound fundamentals of the game; and

WHEREAS, Vashon's prestigious status as 4A State Basketball Champions culminated with the presentation of the key to the City of St. Louis by the Honorable Francis Slay, mayor:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join the citizens of St. Louis and basketball fans all across this fine state in extending hearty congratulations and best wishes to the Vashon Senior Prep Basketball Team upon their magnificent success in capturing yet another State Championship to complete the 2001-2002 season with the pride and satisfaction of being the very best; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Vashon High School.

Senator Rohrbach offered Senate Resolution No. 1282, regarding Marjorie Friedmeyer, California, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1283, regarding Elena Jungmeyer, Centertown, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1284, regarding Mildred Ehrhardt, Jefferson City, which was adopted.

Senator Russell offered Senate Resolution No. 1285, regarding Lylian Lenore Lee Huffman, Hartville, which was adopted.

Senator Caskey moved that **SR 1109** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **SR 1109** was adopted.

Senator Schneider moved that **SR 1028** be taken up for adoption, which motion prevailed.

Senator Klarich offered **SS** for **SR 1028**:

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 1028

BE IT RESOLVED by the Senate of the Ninety-first General Assembly, Second Regular Session, that the rules of the Senate be amended to read as follows:

"Rule 50. Referrals of bills and appointments to committee shall be made by the president pro tem; and no bill shall be considered for final passage

unless it has been reported on by a committee and printed for the use of the senators. A report of all bills recommended "do pass" by a committee shall be submitted to the senate by the chairman and all committee amendments accompanying the report shall be printed in the Journal.

After a bill has been referred to a committee, one-third of the senators elected has the power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. In any case where a committee has been relieved of further consideration of a bill as herein provided, a majority of the senators present but not less than one-third of the senators elected, may, at any time before final passage thereof, again refer the bill to the same or some other committee for consideration. No bill or resolution shall be reported adversely by any committee until the author of the bill or resolution has been given an opportunity to appear and be heard before the committee to which it is referred.

One-third of the senators elected may relieve a committee of an appointment and a motion to grant advice and consent of the Senate to that appointment is then in order upon a vote of the majority of the Senate."

Senator Klarich moved that **SS** for **SR 1028** be adopted, which motion prevailed.

SR 1028, as amended by the **SS**, was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Gibbons	Goode	House	Johnson
Kennedy	Kinder	Klarich	Klindt
Mathewson	Quick	Russell	Schneider
Sims	Steelman	Stoll	Wiggins
Yeckel--25			

NAYS--Senators

Foster	Gross	Jacob	Kenney
Rohrbach	Singleton	Westfall--7	

Absent--Senator Staples--1

Absent with leave--Senator Loudon--1

THIRD READING OF SENATE BILLS

SB 1182, with **SCS**, introduced by Senator Singleton, entitled:

An Act to repeal section 334.104, RSMo, relating to the state board of registration for the healing arts, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1182**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1182

An Act to repeal section 334.104, RSMo, relating to the state board of registration for the healing arts, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SB 1182** be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SB 1182** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins--31	
	NAYS--Senators--None		
	Absent--Senators		
Staples	Yeckel--2		
	Absent with leave--Senator Loudon--1		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1241, introduced by Senators Coleman and Bland; **SB 1253**, introduced by Senator Coleman; and **SB 1189**, introduced by Senator Westfall; with **SCS**, entitled, respectively:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

Were called from the Consent Calendar and taken up by Senator Coleman.

SCS for **SBs 1241, 1253** and **1189**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1241, 1253 and 1189

An Act to amend chapter 301, RSMo, by adding thereto five new sections relating to special license plates.

Was taken up.

Senator Coleman moved that **SCS** for **SBs 1241, 1253** and **1189** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SBs 1241, 1253** and **1189** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Russell	Schneider	Singleton

Steelman
Yeckel--29

Stoll

Westfall

Wiggins

NAYS--Senator Rohrbach-- 1

Absent--Senators

Bentley

Sims

Staples--3

Absent with leave--Senator Loudon-- 1

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1115**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1115**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1115An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1115** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1115** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Bland

Caskey

Cauthorn

Childers

Coleman

DePasco

Dougherty

Foster

Gibbons

Goode

Gross

House

Jacob

Johnson

Kennedy

Kenney

Kinder

Klarich

Klindt

Mathewson

Quick

Rohrbach

Russell

Schneider

Sims

Steelman

Stoll

Westfall

Wiggins

Yeckel--31

NAYS--Senator Singleton-- 1

Absent--Senator Staples-- 1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 1251, with **SCA 1**, introduced by Senator Gibbons, entitled:

An Act to amend chapter 333, RSMo, by adding thereto one new section relating to liability of funeral directors and funeral establishments.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Gibbons, **SB 1251**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Schneider	Staples--2		
Absent with leave--Senator Loudon--1			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1269, introduced by Senator Cauthorn, entitled:

An Act to repeal sections 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892 and 407.893, RSMo, and to enact in lieu thereof three new sections relating to merchandising practices.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 1269** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Loudon--1			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1119, introduced by Senator Johnson, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to security of state owned buildings.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 1119** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Staples--2		
Absent with leave--Senator Loudon--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1203, with **SCS**, introduced by Senator Yeckel, entitled:

An Act to repeal sections 137.100, 144.030 and 144.615, RSMo, relating to various tax exemptions, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1203**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1203

An Act to repeal sections 137.100, 144.030 and 144.615, RSMo, relating to various tax exemptions, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Rohrbach assumed the Chair.

Senator Yeckel moved that **SCS** for **SB 1203** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 1203** was read the 3rd time and passed by the following vote:

YEAS--Senators				
Bentley	Bland	Caskey	Cauthorn	
Childers	Coleman	DePasco	Dougherty	
Foster	Gibbons	Goode	Gross	
House	Jacob	Johnson	Kennedy	
Kenney	Kinder	Klarich	Klindt	
Quick		Rohrbach	Russell	Schneider
Singleton	Steelman	Stoll	Westfall	
Wiggins	Yeckel--30			
NAYS--Senators--None				
Absent--Senators				
Mathewson	Sims	Staples--3		
Absent with leave--Senator Loudon--1				

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 817, 978 and 700**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 817, 978 and 700An Act to repeal section 537.053, RSMo, relating to dram shop liability, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Gross, **SS** for **SCS** for **SBs 817, 978 and 700**, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Sims	Staples--2		
	Absent with leave--Senator Loudon--1		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Lori L. Williamson-Kruse, as a member of the Missouri Genetic Advisory Committee;

Also,

Sarah L. Riddick and James B. Callis, as members of the Missouri State Penitentiary Redevelopment Commission;

Also,

Paul G. Klute, as a student representative of the Board of Regents for Northwest Missouri State University;

Also,

Andrea D. Walton, as a member of the Child Abuse and Neglect Review Board;

Also,

Daniel J. Betzler, as a member of the Board of Certification of Interpreters.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SCR 57** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1344** and **1944**, entitled:

An Act to repeal sections 571.030 and 571.070, RSMo, and to enact in lieu thereof four new sections relating to firearms, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1994**, entitled:

An Act to repeal section 174.020, RSMo, and to enact in lieu thereof one new section relating to names of state colleges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1440**, entitled:

An Act to repeal sections 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, and 376.840, RSMo, and to enact in lieu thereof three new sections relating to insurance coverage for mental health.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1496**, entitled:

An Act to repeal sections 99.805, 99.810, and 99.845, RSMo, and to enact in lieu thereof ten new sections relating to

tax increment financing, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1556**, entitled:

An Act to repeal section 620.1355, RSMo, and to enact in lieu thereof one new section relating to investment funds service corporations, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 1248**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1248, Pages 1-3, Section 30.260, Lines 1-77, by striking all of said section from the bill; and

Further amend said bill, pages 3-5, Section 30.270, lines 1-70, by striking all of said section from the bill; and

Further amend said bill, page 6, Section 32.069, lines 12-13, by striking the following: "and to the changes in allowable investments and investment procedures in sections 30.260 and 30.270, RSMo,"; and

Further amend said bill, pages 8-9, Section 142.824, lines 1-49, by striking all of said section from the bill; and

Further amend said bill, page 12, Section 143.431, line 27, by striking the opening bracket "["; and further amend line 29, by striking the closing bracket "]; and

Further amend said bill, page 15, Section 143.451, line 31, by striking the opening bracket "["; and further amend line 33, by striking the closing bracket "]; and

Further amend said bill and section, page 19, line 148, by inserting immediately after the word "state" a closing bracket "]; and further amend line 152, by striking the closing bracket "]; and

Further amend said bill and section, page 20, line 185, by inserting immediately after the word "state" a closing bracket "]; and further amend line 190, by striking the closing bracket "]; and further amend line 204, by striking the opening bracket "["; and

Further amend said bill and section, page 21, line 209, by inserting immediately after "8." an opening bracket "["; and further amend line 225, by striking the opening bracket "[", the closing bracket "]" and the "8."; and

Further amend said bill, pages 24-26, Section 147.120, lines 1-77, by striking all of said section from the bill; and

Further amend said bill, page 26, Section 148.074, lines 1-9, by striking all of said section from the bill; and

Further amend said bill, pages 30-31, Section 630.460, lines 1-44, by striking all of said section from the bill; and

Further amend said bill, pages 32-36, Section 644.051, Lines 1 to 173, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 1248, Page 1, In the Title, Line 3, by striking the following: "313.805, 313.820,"; and further amend line 4, by striking the word "eighteen" and inserting in lieu thereof the word "sixteen"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the following: "313.805, 313.820,"; and further amend line 3, by striking the word "eighteen" and inserting in lieu thereof the word "sixteen"; and further amend line 5, by striking the following: "313.805, 313.820,"; and

Further amend said bill, Pages 26-29, Section 313.805, Lines 1-104, by striking all of said section; and

Further amend said bill, Pages 29-30, Section 313.820, Lines 1-36, by striking all of said section.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HS** for **HCR 15**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 43**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 43

WHEREAS, Missouri law requires parental consent of at least one parent in order for a minor to obtain an abortion, unless excused by a court; and

WHEREAS, Illinois law contains no such parental consent requirement; and

WHEREAS, as a result, Missouri resident minors may cross the state border to Illinois to access abortion providers in order to avoid state law; and

WHEREAS, Illinois abortion providers advertise in Missouri phone books that "no parental consent (is required) in Illinois", and by so doing, actively encourage the breaking of Missouri law and violation of parental rights over the welfare of their daughters:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby implore the General Assembly of the State of Illinois either to enact a law to require parental consent prior to allowing a minor to obtain an abortion or, if no such law is enacted, that the State of Illinois recognize Missouri law requiring parental consent prior to allowing a minor to obtain an abortion; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to Governor George H. Ryan of Illinois and the President Pro Tempore James "Pate" Philip and Speaker of the House Michael Madigan for the State of Illinois.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 54**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 56**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1122**, begs leave to report that it has considered the same and recommends that the resolution do pass.

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 971**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Rohrbach, Chairman of the Committee on Insurance and Housing, Senator Kenney submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 1063** and **SB 827**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1010**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1286, regarding the Seventy-fifth Birthday of Iona Marie Edwards, Janesville, Wisconsin, which was adopted.

Senator Gibbons offered Senate Resolution No. 1287, regarding Rockwood R-VI School District, St. Louis County, which was adopted.

Senator Gibbons offered Senate Resolution No. 1288, regarding Brentwood School District, St. Louis County, which was adopted.

Senator Gibbons offered Senate Resolution No. 1289, regarding Kirkwood R-VII School District, St. Louis County, which was adopted.

Senator Gibbons offered Senate Resolution No. 1290, regarding Parkway C-2 School District, St. Louis County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Catherine Fuller, Lisa Wood and sixth grade students from Ash Grove R-IV Schools; and Scarlett McCall, Nichelle Eutsler, Autumn Fisher and Hannah Wood were made honorary pages.

Senator Russell introduced to the Senate, Susie Graham, Louisa Williams and students from Mansfield Middle School, Mansfield; and Erin Schell, Jessica Williams and Rebecca Barlett were made honorary pages.

Senator Steelman introduced to the Senate, Sherry Starke and first grade students from Osage R-I School, Chamois; and Elijah Strobel, Courtney Sealey, Alyssa Bullock and Tyler Hayes were made honorary pages.

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Stephen E. Halpin, M.D., and his daughter, Jennifer, Hannibal; and Jennifer was made an honorary page.

Senator Foster introduced to the Senate, Andrew, Mike and Valery Yeakey and Peggy Hitt, Bloomfield.

Senator Klindt introduced to the Senate, 10 sixth grade students from Horace Mann Lab School, Maryville; and Hannah Burgher, Andrew Farnan, Aaron Gillespie, Taylor Wilmes, Xaviera Love, Kristine Dean, Charlie Lowe, Alan Lin, Chayse Barr and Jerad Nunn were made honorary pages.

Senator Klindt introduced to the Senate, fourth grade students from Central Elementary School, Chillicothe; and Amber Frampton, Bryce Young, Schuyler Cavender and Annie Steely were made honorary pages.

Senator Jacob introduced to the Senate, Joe Kelly, Columbia; and Joe was made an honorary page.

Senator Mathewson introduced to the Senate, Peggy Crabtree, Boonville.

Senator Bentley introduced to the Senate, Dr. David Huff and Dr. Chris Craig, Springfield.

Senator Steelman introduced to the Senate, Keith McCarthy and students from St. James; and Jerod Rivers, Chance Jolliff and Jeff Smallwood were made honorary pages.

Senator Stoll introduced to the Senate, Scott Thomas, Melissa Buscher, Rachel Montgomery, Carolyn Jonas, Kristen Pelster, Kelly Fox, Kelley Earickson, Dale Wolk and 150 eighth grade students from Ridgewood Junior High School, Arnold; and Emily Marler, Melissa Parey, Becky Stephens and Ashley Reinhardt were made honorary pages.

Senator DePasco introduced to the Senate, 40 representatives of L.E.A.D. from Independence.

Senator Westfall introduced to the Senate, Lorna Reynolds, Michele Pate and 40 students from Stockton Elementary School, Stockton; and Jacob Reynolds and Lynnette Larson were made honorary pages.

Senator House introduced to the Senate, Bobbi Weekley, Jeania Burton, Ruth Nation and students from Wellsville-Middletown R-I, Wellsville; and Jenny Counts, Jared Feather and Devin Hudson were made honorary pages.

On behalf of Senator Bentley and herself, Senator Yeckel introduced to the Senate, Stanislav Sukjorebrly and Maria Gorlova, Ukraine; Ophelia Hunanyan, Armenia; Galia Makenova, Kazakhstan; Polina Petrun, Olga Zgera, Yegor Mikhailenco and Artem Gullev, Russia; Emma Elfstrom, Sweden; Thiago Neves, Brazil; Anna and Karen Mussman, Washington, D.C.; and Steve and Del Rae Luehrs, Reeds Spring; and Stanislav, Galia, Polina, Olga and Maria were made honorary pages.

Senator Bentley introduced to the Senate, fourth grade students from Greenwood Elementary School, Springfield.

Senator Gross introduced to the Senate, 150 fifth grade students from Boone Trail Elementary School, Wentzville.

Senator Stoll introduced to the Senate, his wife, Kathy, Festus; his daughter, Laura Irelan, and granddaughter, Maggie, St. Louis County; and

Elizabeth Clithero, Jefferson City; and Maggie was made an honorary page.

Senator Mathewson introduced to the Senate, 70 fourth grade students from Skyline Elementary School, Sedalia; and Lucas Ficken, Leah Brown and Jonathon Lake were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 1:00 p.m., Monday, March 25, 2002.

SENATE CALENDAR

FORTY-FOURTH DAY-MONDAY, MARCH 25, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1817

HS for HCS for HB 1877-

Foley

HB 1159-Boykins

HB 1214-Davis and Cooper

HB 1624-Skaggs, et al

HB 1204-Seigfreid and Relford

HB 1093-Relford and Seigfreid

HB 1714-Hilgemann and

Shelton

HB 1205-Seigfreid and Relford

HB 1411-Skaggs

HB 1094-Relford and Seigfreid

HB 1397-Ransdall

HB 1391-Smith

HB 1272-Smith

HB 1918-Koller

HB 1592-Hickey, et al

HS for HCS for HB 1532-

Hoppe

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73rd)

HCS for HB 1556

THIRD READING OF SENATE BILLS

SS for SCS for SB 840-Gross

(In Budget Control)

SB 740-Wiggins

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 1059-Bentley, et al,

with SCS

2. SB 1052-Sims, with SCS

3. SB 884-DePasco and

Kenney, with SCS

4. SBs 984 & 985-Steelman,

with SCS

5. SB 1046-Gross and

House, with SCS

6. SB 1103-Westfall, et al

7. SBs 915, 710 & 907-

Westfall, et al, with SCS

8. SBs 923, 828, 876, 694

& 736-Sims, with SCS

9. SB 676-Yeckel, et al, with SCS

10. SB 900-Goode, et al,

with SCS

11. SB 1107-Childers, with
SCS

12. SB 912-Mathewson,
with SCS

13. SB 892-Kenney, with SCS

14. SB 910-Gibbons

15. SB 1104-Mathewson

16. SB 954-Loudon, with SCS

17. SB 1014-Klindt and Kinder

18. SB 1152-Klarich, with SCS

19. SBs 766, 1120 & 1121-
Steelman, with SCS

20. SB 926-Kenney, et al, with
SCS

21. SB 1140-Rohrbach

22. SBs 1112 & 854-Caskey
and Russell, with SCS

23. SB 1111-Quick, with SCS

24. SB 689-Gibbons, et al,
with SCS

25. SB 938-Cauthorn, et al

26. SB 1087-Gibbons, et al, with SCS

27. SBs 1279, 1162 & 1164-
Kinder and Wiggins, with SCS

28. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2

29. SB 971-Klindt, et al,

with SCS

30. SBs 1063 & 827-Rohrbach

and Kenney, with SCS

31. SB 1010-Sims

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell,

et al, with SCS (pending)

SB 647-Goode, with SCS

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 670 & 684-Sims, with SCS

SBs 688, 663, 691, 716, 759, 824 &

955-Gibbons, et al, with SCS

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)
SBs 894, 975 & 927-Kinder,
with SCS
SBs 958 & 657-Kinder,
with SCS
SBs 969, 673 & 855-Westfall
and Bentley, with SCS, SS
for SCS & SA 1 (pending)
SB 1005-Loudon
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 41-Rohrbach

HCR 5-Reynolds

HCR 6-Jetton

HCR 7-Boykins and Barry

HS for HCR 15-O'Toole, et al

SCR 43-Loudon, with SCS

SCR 54-Sims

SCR 56-Cauthorn

SR 1122-Klindt

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY--MONDAY, MARCH 25, 2002

The Senate met pursuant to adjournment.

Senator Rohrbach in the Chair.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1291, regarding the City of Stover, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1115** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1822**, entitled:

An Act to repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to leave of absences to perform military duty.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1748**, entitled:

An Act to repeal section 640.100, RSMo, and to enact in lieu thereof one new section relating to drinking water primacy fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1762**, entitled:

An Act to repeal section 407.432, RSMo, and to enact in lieu thereof three new sections relating to protection of privacy for credit cardholders, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1689**, entitled:

An Act to repeal sections 256.471, 326.256, 326.271, 326.280, 326.283, 326.286, 326.289, 326.292, 327.011, 327.031, 327.081, 332.051, 332.071, 332.081, 332.111, 332.121, 332.181, 332.261, 332.327, 332.341, 334.104, 334.720, 334.735, 335.016, 339.710, 339.720, 339.770, and 621.045, RSMo, and to enact in lieu thereof eighty-one new sections relating to professional licensing requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1851**, entitled:

An Act to repeal sections 99.050 and 99.134, RSMo, and to enact in lieu thereof two new sections relating to housing authorities, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rohrbach, the Senate adjourned until 4:00 p.m., Tuesday, April 2, 2002.

SENATE CALENDAR

FORTY-FIFTH DAY-TUESDAY, APRIL 2, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1519-Boucher

HB 1192-Harding and

Boucher

HB 1151-Smith

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HB 1342-Farnen

HB 1381-Luetkenhaus

HB 1492-Seigfreid

HB 1421-McKenna, et al

HB 1375-Luetkenhaus

HB 1495-Seigfreid

HB 1348-Meyers, et al

HCS for HBs 1150, 1237 &

1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-

Johnson (90th)

HB 1432-Foley

HB 1477-Farnen

HB 1668-Holt, et al

HB 1446-Luetkenhaus

HB 1078-Whorton, et al

HB 1468-Ward

HB 1086-Harlan

HB 1406-Barnett

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1817

HS for HCS for HB 1877-

Foley

HB 1159-Boykins

HB 1214-Davis and Cooper

HB 1624-Skaggs, et al

HB 1204-Seigfreid and

Relford

HB 1093-Relford and Seigfreid

HB 1714-Hilgemann and Shelton

HB 1205-Seigfreid and Relford

HB 1411-Skaggs

HB 1094-Relford and

Seigfreid

HB 1397-Ransdall

HB 1391-Smith

HB 1272-Smith

HB 1918-Koller

HB 1592-Hickey, et al

HS for HCS for HB 1532-

Hoppe

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green

(73rd)

HCS for HB 1556

HB 1822-Walton

HB 1748-Ransdall

HS for HCS for HB 1762-

Harding

HCS for HB 1689

HB 1851-Curls

THIRD READING OF SENATE BILLS

SS for SCS for SB 840-

Gross (In Budget Control)

SB 740-Wiggins

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 1059-Bentley,

et al, with SCS

2. SB 1052-Sims, with

SCS

3. SB 884-DePasco and

Kenney, with SCS

4. SBs 984 & 985-

Steelman, with SCS

5. SB 1046-Gross and

House, with SCS

6. SB 1103-Westfall,

et al

7. SBs 915, 710 & 907-

Westfall, et al,

with SCS

8. SBs 923, 828, 876,

694 & 736-Sims,

with SCS

9. SB 676-Yeckel, et al,

with SCS

10. SB 900-Goode, et al,

with SCS

11. SB 1107-Childers,

with SCS

12. SB 912-Mathewson,

with SCS

13. SB 892-Kenney, with

SCS

14. SB 910-Gibbons

15. SB 1104-Mathewson

16. SB 954-Loudon, with SCS

17. SB 1014-Klindt and Kinder

18. SB 1152-Klarich, with SCS

19. SBs 766, 1120 & 1121-

Steelman, with SCS

20. SB 926-Kenney, et al, with SCS

21. SB 1140-Rohrbach

22. SBs 1112 & 854-Caskey

and Russell, with

SCS

23. SB 1111-Quick, with

SCS

24. SB 689-Gibbons, et al,

with SCS

25. SB 938-Cauthorn,

et al

26. SB 1087-Gibbons,

et al, with SCS

27. SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS

28. SB 1248-Mathewson and
Kenney, with SCAs
1 & 2
29. SB 971-Klindt, et al,
with SCS
30. SBs 1063 & 827-
Rohrbach and
Kenney, with SCS
31. SB 1010-Sims

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 641 & 705-Russell, et
al, with SCS (pending)
- SB 647-Goode, with SCS
- SB 651-Singleton and
Russell, with SCS (pending)
- SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3
(pending)
- SB 660-Westfall, et al,
with SCS (pending)
- SBs 662 & 704-Westfall,
with SCS & SA 4

(pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 670 & 684-Sims, with

SCS

SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS for SCS (pending)

SBs 894, 975 & 927-Kinder, with SCS

SBs 958 & 657-Kinder, with SCS

SBs 969, 673 & 855-

Westfall and Bentley,

with SCS, SS for SCS &

SA 1 (pending)

SB 1005-Loudon

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 1115, with SCS

(Russell)

(House requests Senate

recede or grant conference) RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending) Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 41-Rohrbach

HCR 5-Reynolds

HCR 6-Jetton

HCR 7-Boykins and Barry

HS for HCR 15-O'Toole, et al

SCR 43-Loudon, with SCS

SCR 54-Sims

SCR 56-Cauthorn

SR 1122-Klindt

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIFTH DAY--TUESDAY, APRIL 2, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"Give thanks to the Lord, for he is good: his mercy endures forever;" (Psalm 118:1)

We do give You thanks and praise, O Lord, for the time we have had to be refreshed, refashioned and to rejoice during this Spring break and celebration of new Life. Continue to watch over us we pray and direct our hearts and minds in keeping with Your will and the work we have before us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 21, 2002 and Monday, March 25, 2002 were read and approved.

Photographers from Fox News Channel were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Loudon--1

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1292, regarding Michael Scott Rice, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1293, regarding Matthew Martin Howell, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1294, regarding Jason D. Stokes, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1295, regarding Christopher M. Brayer, Independence, which was adopted.

Senator Schneider offered Senate Resolution No. 1296, regarding Chris Kremer, Florissant, which was adopted.

Senator Kenney offered Senate Resolution No. 1297, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herb Meeks, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1298, regarding John Charles Etem, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1299, regarding Paul Lyndon Ewert, Blue Springs, which was adopted.

Senator Caskey offered Senate Resolution No. 1300, regarding Poet Laureate Robert Daniels, Archie, which was adopted.

Senator Caskey offered Senate Resolution No. 1301, regarding the Ninetieth Birthday of Eva Blanche Chiles Nichols, Lowry City, which was adopted.

Senator Caskey offered Senate Resolution No. 1302, regarding the Ninety-ninth Birthday of Edna Fenwick, Appleton City, which was adopted.

Senator Johnson offered Senate Resolution No. 1303, regarding Cheri Patterson, St. Joseph, which was adopted.

Senator Yeckel offered Senate Resolution No. 1304, regarding Leetah Faye Nickel, St. Louis, which was adopted.

Senator Westfall offered Senate Resolution No. 1305, regarding Judene Blackburn, Halfway, which was adopted.

Senator Westfall offered Senate Resolution No. 1306, regarding the Marionville High School Class 2A Boys Basketball Team, Marionville, which was adopted.

Senator Westfall offered Senate Resolution No. 1307, regarding the Pleasant Hope Fire and Rescue responders, Pleasant Hope, which was adopted.

Senator Schneider offered Senate Resolution No. 1308, regarding Robert P. Doerr, Bellefontaine Neighbors, which was adopted.

Senator Steelman offered Senate Resolution No. 1309, regarding Corrections Officer I Vern Lewis, Raymondville, which was adopted.

Senator Steelman offered Senate Resolution No. 1310, regarding Corrections Officer I James Bates, Huggins, which was adopted.

Senator Westfall offered Senate Resolution No. 1311, regarding the Stockton High School Class 2A Girls Basketball Team, Stockton, which was adopted.

Senator Quick offered Senate Resolution No. 1312, regarding Sean Griffith, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1313, regarding Stephen Carson Tinsley, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1314, regarding Chad Andrew Shannon, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1315, regarding Matthew Warnock, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1316, regarding Benjamin Howard Luke Buck, Liberty, which was adopted.

Senators Gross and House offered Senate Resolution No. 1317, regarding Craig M. Nelson, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1318, regarding John Huckabee, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1319, regarding Dr. Michael F. and Mrs. Pat A. Schwab, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1320, regarding Paul Devine, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1321, regarding Daniel Hickman, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1322, regarding Jordan P. Dreeste, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1323, regarding Sergeant Rodney L. Magrew, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1324, regarding PST Rob Dryden, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1325, regarding Elisha Kline, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1326, regarding Vincent and Marcella Kemper, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1327, regarding Randy Bluestone, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1328, regarding Thomas Kerns, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1329, regarding Dr. Mary E. Case, St. Charles, which was adopted.

Senator Bentley offered Senate Resolution No. 1330, regarding the NAIA Division II National Champion Men's Basketball Team at Evangel University, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1331, regarding Caleb Michael Cordonnier, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1332, regarding the Boys and Girls Club, Springfield, which was adopted.

Senator Sims offered Senate Resolution No. 1333, regarding Rebecca M. Auch, Warrenton, which was adopted.

Senator Sims offered Senate Resolution No. 1334, regarding Leigh Albright, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1335, regarding Sarah Marie Alvey, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1336, regarding Rachel Byron, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1337, regarding Jennifer Buechlein, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1338, regarding Samantha Baker, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1339, regarding Morgan Barnes, Kirkwood, which was adopted.

Senator Sims offered Senate Resolution No. 1340, regarding Krista Jennifer Bland, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1341, regarding Amy Marie Bell, Eureka, which was adopted.

Senator Sims offered Senate Resolution No. 1342, regarding Diane Blaskiewicz, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1343, regarding Amy Bridges, Marthasville, which was adopted.

Senator Sims offered Senate Resolution No. 1344, regarding Christina Brooks, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1345, regarding Kathryn Ceriotti, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 1346, regarding Morgan Callahan, Cedar Hill, which was adopted.

Senator Sims offered Senate Resolution No. 1347, regarding Devon Collins, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1348, regarding Amy Cook, Cedar Hill, which was adopted.

Senator Sims offered Senate Resolution No. 1349, regarding Melissa Dawn Clayton, House Springs, which was adopted.

Senator Sims offered Senate Resolution No. 1350, regarding Chastity Culberson, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1351, regarding Courtney Leigh DeBord, Kirkwood, which was adopted.

Senator Sims offered Senate Resolution No. 1352, regarding Deanna Dopplick, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1353, regarding Melissa Ecker, House Springs, which was adopted.

Senator Sims offered Senate Resolution No. 1354, regarding Nancy Ebker, Marthasville, which was adopted.

Senator Sims offered Senate Resolution No. 1355, regarding Natalie D. Flanzer, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1356, regarding Lauren Fallert, Bloomsdale, which was adopted.

Senator Sims offered Senate Resolution No. 1357, regarding Amanda Fusco, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1358, regarding Deirdre A. Goltz, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1359, regarding Caitlin A. G'Sell, Franklin, Tennessee, which was adopted.

Senator Sims offered Senate Resolution No. 1360, regarding Alexandra P. Grass, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1361, regarding Anna Rae Hazelip, Marthasville, which was adopted.

Senator Sims offered Senate Resolution No. 1362, regarding Stephanie L. Hyde, House Springs, which was adopted.

Senator Sims offered Senate Resolution No. 1363, regarding Ann Balee Hecker, Kirkwood, which was adopted.

Senator Sims offered Senate Resolution No. 1364, regarding Catherine A. Ivie, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 1365, regarding Nicole Jones, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1366, regarding Dana Joggerst, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1367, regarding Marissa Karleskint, House Springs, which was adopted.

Senator Sims offered Senate Resolution No. 1368, regarding Maria Kargus, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1369, regarding Sarah Kilpela, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1370, regarding Tammy Kilpela, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1371, regarding Melissa Ann Kitchell, Blackwell, which was adopted.

Senator Sims offered Senate Resolution No. 1372, regarding Abbey Kruenegel, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1373, regarding Rachel Loehr, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1374, regarding Kathryn E. Lischwe, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1375, regarding Mandy Leger, O'Fallon, which was adopted.

Senator Sims offered Senate Resolution No. 1376, regarding Becky Leeper, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1377, regarding Kristen Loesch, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1378, regarding Theresa M. McFall, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1379, regarding Kimberly R. McDaniel, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1380, regarding Linda Mathis, Wildwood, which was adopted.

Senator Klindt offered Senate Resolution No. 1381, regarding the One Hundredth Birthday of Evaleen Dorner, Carrollton, which was adopted.

Senator Klindt offered Senate Resolution No. 1382, regarding Jeffrey Albert Lee Jackson, Independence, which was adopted.

Senator Jacob offered Senate Resolution No. 1383, regarding Gale Niece, Moberly, which was adopted.

Senators Westfall, Bentley, Childers, Russell and Singleton offered Senate Resolution No. 1384, regarding Myron Wesley McKinney, Joplin, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 688, SB 663, SB 691, SB 716, SB 759, SB 824** and **SB 955**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 688, 663, 691, 716, 759, 824** and **955**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 688, 663, 691, 716, 759, 824 and 955

An Act to repeal sections 137.073, 137.115, 138.060 and 138.100, RSMo, relating to the assessment and levy of property taxes, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Gibbons moved that **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 688, 663, 691, 716, 759, 824 and 955

An Act to repeal sections 137.073, 137.115, 138.060 and 138.100, RSMo, relating to the assessment and levy of property taxes, and to enact in lieu thereof five new sections relating to the same subject.

Senator Gibbons moved that **SS** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955** be adopted.

Senator Rohrbach assumed the Chair.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Pages 23 and 24, Section 1, by striking all of Section 1; and

Further by amending the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Gibbons, **SB 688, SB 663, SB 691, SB 716, SB 759, SB 824** and **SB 955** with **SCS, SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Klarich offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 58

An act by concurrent resolution and pursuant to Article IV, Section 8, Missouri Constitution, to disapprove Rule 20 CSR 500-6.700 and direct the Department of Insurance to promulgate an emergency rule and a proposed rule as required by Section 287.135, RSMo.

WHEREAS, in 1993, the General Assembly enacted Senate Bill No. 251 containing the provision now codified at Section 287.135, RSMo, which requires the Department of Insurance to promulgate rules to determine the criteria by which a workers' compensation insurer may reimburse fees charged by a managed care organization ("MCO"); and

WHEREAS, the Department of Insurance promulgated Rule 20 CSR 500-6.700 which would become effective thirty days after publication in the Code of State Regulations; and

WHEREAS, the Department of Insurance has filed proposed rulemakings on at least 7 occasions but have failed to finalize such proposed rulemakings with the filing of an order of rulemaking with the Joint Committee on Administrative Rules and the Secretary of State; and

WHEREAS, the Joint Committee on Administrative Rules has held at least two hearings on previous rules proposed by the Department; and

WHEREAS, nearly ten years have passed since the Department of Insurance was directed to promulgate rules to determine the criteria by which workers' compensation insurers may reimburse fees charged by managed care organizations; and

WHEREAS, numerous managed care organizations were organized for the purpose of providing services in workers' compensation matters; and

WHEREAS, workers' compensation insurers have denied claims for payment from managed care organizations due to the absence of the rule

required pursuant to Section 287.135, RSMo; and

WHEREAS, numerous managed care organizations have suffered financial losses due to their denied claims for services; and

WHEREAS, the Joint Committee on Administrative Rules held a hearing on March 7, 2002, and by a unanimous vote disapproved Rule 20 CSR 500-6.700 and recommends that the General Assembly act to disapprove and suspend Rule 20 CSR 500-6.700; and

WHEREAS, the Joint Committee on Administrative Rules directed the Department of Insurance to promulgate an emergency rule and a proposed rule with a sunset of December 31, 2002, which would provide a mechanism to pay managed care organizations, including those whose claims have been denied since the passage of Senate Bill No. 251 in 1993, based on the absence of a rule as required pursuant to Section 287.135, RSMo; and

WHEREAS, the Department of Insurance agreed to abide by the directions of the Joint Committee on Administrative Rules relating to the promulgation of an emergency and proposed rule; and

WHEREAS, the Department of Insurance to date has failed and refused to abide by the directions of the Joint Committee on Administrative Rules relating to the promulgation of an emergency and proposed rule:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby disapprove proposed Rule 20 CSR 500-6.700; and

BE IT FURTHER RESOLVED, that the General Assembly hereby directs the Department of Insurance to promulgate an emergency rule and a proposed rule with a sunset of December 31, 2002, which would provide a mechanism to pay managed care organizations, including those whose claims have been denied since the passage of Senate Bill No. 251 in 1993, based on the absence of a rule as required pursuant to Section 287.135, RSMo; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the revocation upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-first General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

BE IT FURTHER RESOLVED that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Read 1st time.

COMMUNICATIONS

Pursuant to Section 536.021, RSMo, Senator Klarich submitted a copy of the Joint Committee on Administrative Rules' committee report disapproving Rule 20 CSR 500-6.700. A copy of the committee's report is on file in the office of the Secretary of Senate.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 837, 866, 972 and 990**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Clarence L. Foster, Jr., Democrat, 2447 Northwest Shady Bend, Lee's Summit, Jackson County, Missouri 64081, as a member of the Elevator Safety Board, for a term ending June 6, 2005, and until his successor is duly appointed and qualified; vice, Cynthia Bryant, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

W. Carter Glass, O.D., 7242 North Mersington, Gladstone, Clay County, Missouri 64119, as a member of the State Board of Optometry, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, Larry D. Snider, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Terrence M. Swinger, O.D., 600 Carleton, Post Office Box 1137, Caruthersville, Pemiscot County, Missouri 63830, as a member of the State Board of Optometry, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Harold L. Poynter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James S. Anderson, P.L.S., 215 Spruce, Lee's Summit, Jackson County, Missouri 64064, as Chairman of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors, for a term ending October 3, 2005, and until his successor is duly appointed and qualified; vice, Paul R. Munger, P.E., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Leonard S. Woodson, Jr., 1029 Rockman Place, St. Louis, St. Louis County, Missouri 63119, as student representative of the Board of Curators for Lincoln University, for a term ending May 1, 2003, and until his successor is duly appointed and qualified; vice, Ricardo D. Jones, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 8, 2002 for your advice and consent:

Solomon Agin, Republican, 14194 Parliament Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Solomon Agin, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1242**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1075**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the titling of certain property

abandoned on privately owned real estate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1320**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1515**, entitled:

An Act to repeal section 160.360, RSMo, and to enact in lieu thereof one new section relating to the awarding of honorary high school diplomas to certain civilian prisoners of war and veterans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1569**, entitled:

An Act to repeal section 260.270, RSMo, and to enact in lieu thereof one new section relating to waste tires.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1795**, entitled:

An Act to authorize the conveyance of property owned by the state and controlled by the department of natural resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1265**, entitled:

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to registration with the selective service system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1849**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Crawford to the county commission of Crawford county.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1745**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1400**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1141**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1270**, entitled:

An Act to repeal section 304.200, RSMo, and to enact in lieu thereof one new section relating to motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1783**, entitled:

An Act to repeal sections 161.400, 161.403, 161.405, 161.407, 191.928, 191.934, 209.285, 209.287, 209.318, 209.319, 209.321, 209.323, 209.326, 209.334, 476.750, 476.760, and 476.763, RSMo, and to enact in lieu thereof seventeen new sections relating to the deaf and hard of hearing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1768**, entitled:

An Act to repeal section 511.360, RSMo, and to enact in lieu thereof one new section relating to liens of a judgment or decree on real estate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1814**, entitled:

An Act to repeal sections 455.027, 455.060, 455.067, 455.075, 455.504 and 455.508, RSMo, and to enact in lieu thereof five new sections relating to orders of protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1712**, entitled:

An Act to repeal sections 400.9-102, 400.9-109, 400.9-303, 400.9-311, 400.9-313, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625, and 400.9-710, RSMo, and to enact in lieu thereof twenty-two new sections relating to matters regulated by the secretary of state.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1895**, entitled:

An Act to repeal section 43.518, RSMo, and to enact in lieu thereof one new section relating to the criminal records and justice information advisory committee.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1519--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1151--Judiciary.

HB 1342--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1381--Insurance and Housing.

HB 1492--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1421--Education.

HB 1375--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1495--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1348--Agriculture, Conservation, Parks and Tourism.

HB 1477--Education.

HB 1668--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1446--Insurance and Housing.

HB 1078--Local Government and Economic Development.

HB 1468--Insurance and Housing.

HB 1086--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1406--Education.

HB 1159--Transportation.

HB 1214--Transportation.

HB 1624--Transportation.

HB 1204--Transportation.

HB 1093--Transportation.

HB 1714--Transportation.

HB 1205--Transportation.

HB 1411--Transportation.

HB 1094--Transportation.

HB 1397--Transportation.

HB 1391--Transportation.

HB 1272--Transportation.

HB 1918--Transportation.

HB 1822--Financial and Governmental Organization, Veterans' Affairs and Elections.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, his children, Rachel, Elsa, Jonathan and Samuel, St. Louis County; and Rachel, Elsa, Jonathan and Samuel were made honorary pages.

Senator Wiggins introduced to the Senate, Bill, Mary and David Meiners, Kansas City.

Senator Staples introduced to the Senate, Fred Fisher, Jefferson City.

Senator Singleton introduced to the Senate, his son, Mitchell B. Singleton; and Julie K. Thompson, Springfield.

Senator Gibbons introduced to the Senate, 66 fourth grade students from Tillman Elementary School, Kirkwood.

Senator Gibbons introduced to the Senate, Joyce Smythe, Albert Binz and Louise and Alexis Zimmerman, Manchester; and Gregg, Lisa, Ellie and Jordan Jacklyn Hammer, Atlanta, Georgia; and Jordan was made an honorary page.

Senator Kennedy introduced to the Senate, Ed Auer, Randy Wray, Marianne Wray and Steve Grotewiel, St. Louis.

Senator Johnson introduced to the Senate, David Tushaus, Daniel Thomas, Tullana Mollus, Lorna Kindhart, Tiffany Hollon, Shannen Hill and Jennifer Tannehill, St. Joseph.

Senator Rohrbach introduced to the Senate, fourth grade students from Cole County R-5 School, Eugene; and Eric Groose and Benjamin Campbell were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1192-Harding and Boucher

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1817

HS for HCS for HB 1877-Foley

HB 1592-Hickey, et al

HS for HCS for HB 1532-Hoppe

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73rd)

HCS for HB 1556

HB 1748-Ransdall

HS for HCS for HB 1762-

Harding

HCS for HB 1689

HB 1851-Curls

HB 1242-Griesheimer

HB 1075-Nordwald

HB 1320-Reid, et al

HB 1515-Burton

HB 1569-Davis, et al

HB 1795-Berkowitz, et al

HB 1265-Gratz and Vogel

HB 1849-Barnitz and

Overschmidt

HB 1745-Koller

HB 1400-Merideth, et al

HB 1141-Naeger

HB 1270-Gratz

HB 1783-Lowe, et al

HB 1768-Hosmer, et al

HB 1814-Monaco, et al

HB 1712-Monaco, et al

HB 1895-Carnahan, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 840-Gross

(In Budget Control)

SB 740-Wiggins

(In Budget Control)

SS for SCS for SBs 837, 866,

972 & 990-Cauthorn

SENATE BILLS FOR PERFECTION

1. SB 1059-Bentley, et al, with SCS

2. SB 1052-Sims, with SCS

3. SB 884-DePasco and

Kenney, with SCS

4. SBs 984 & 985-

Steelman, with SCS

5. SB 1046-Gross and

House, with SCS

6. SB 1103-Westfall, et al

7. SBs 915, 710 & 907-

Westfall, et al, with SCS

8. SBs 923, 828, 876, 694

& 736-Sims, with SCS

9. SB 676-Yeckel, et al, with SCS

10. SB 900-Goode, et al, with SCS

11. SB 1107-Childers, with SCS

12. SB 912-Mathewson, with SCS

13. SB 892-Kenney, with SCS

14. SB 910-Gibbons

15. SB 1104-Mathewson

16. SB 954-Loudon, with SCS

17. SB 1014-Klindt and Kinder

18. SB 1152-Klarich, with SCS

19. SBs 766, 1120 & 1121-

Steelman, with SCS

20. SB 926-Kenney, et al, with

SCS

21. SB 1140-Rohrbach

22. SBs 1112 & 854-Caskey

and Russell, with SCS

23. SB 1111-Quick, with SCS

24. SB 689-Gibbons, et al, with SCS

25. SB 938-Cauthorn, et al
26. SB 1087-Gibbons, et al, with SCS
27. SBs 1279, 1162 & 1164-
Kinder and Wiggins, with SCS
28. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2
29. SB 971-Klindt, et al, with SCS
30. SBs 1063 & 827-Rohrbach
and Kenney, with SCS
31. SB 1010-Sims

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,
with SCS (pending)

SB 647-Goode, with SCS

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
SB 668-Bentley, with SS &
SA 1 (pending)
SBs 670 & 684-Sims, with
SCS
SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS, SS for
SCS & SA 1 (pending)
SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)
SBs 894, 975 & 927-Kinder,
with SCS
SBs 958 & 657-Kinder,
with SCS
SBs 969, 673 & 855-
Westfall and Bentley,
with SCS, SS for SCS &
SA 1 (pending)
SB 1005-Loudon
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending) CONSENT CALENDAR

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 1115, with SCS

(Russell)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

To be Referred

SCR 58-Klarich

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 41-Rohrbach

HCR 5-Reynolds

HCR 6-Jetton (Cauthorn)

HCR 7-Boykins and Barry

HS for HCR 15-O'Toole,

et al

SCR 43-Loudon, with SCS

SCR 54-Sims

SCR 56-Cauthorn

SR 1122-Klindt

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SIXTH DAY--WEDNESDAY, APRIL 3, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"To you, O Lord, lift up my soul." (Psalm 25:1)

Holy and Gracious God, we lift our souls to You, with all our vulnerabilities and faults, our strengths and abilities, recognizing You know us better than we know ourselves. Help us to recognize all that we are before You and capable of doing and make us whole so we may be of greater service to You and Your people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Loudon--1

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1385, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lester Eugene Carrender, which was adopted.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 56** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **SCR 56** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
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Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Jacob--2		
	Absent with leave--Senator Loudon--1		

RESOLUTIONS

Senator Klindt moved that **SR 1122** be taken up for adoption, which motion prevailed.

On motion of Senator Klindt, **SR 1122** was adopted.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 969**, **SB 673** and **SB 855**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Dougherty, the above amendment was withdrawn.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 11, Section 566.145, Line 22 of said page, by inserting after all of said line the following:

"566.151. 1. A person at least twenty-one years of age or older commits the crime of enticement of a child if that person persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen years of age for the purpose of engaging in sexual conduct with a child.

2. It is not an affirmative defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Attempting to entice a child is a class D felony.

4. Enticement of a child is a class C felony unless the person has previously pled guilty to or been found guilty of violating the provisions of this section, section 568.045, 568.050, or section 568.060, RSMo, or chapter 566, RSMo, in which case it is a class B felony."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 3, Section 43.540, Line 23 of said page, by inserting after all of said line the following:

"43.653. The state highway patrol is hereby authorized to create, direct, control and supervise the "Missouri Regional Computer Forensics Lab" (RCFL). The state highway patrol has the ability to bring together federal, state, and local resources to fight computer crimes for the purposes listed in section 43.656. The RCFL shall be located within a twenty-five mile radius of an international airport.

43.656. It is hereby found and declared that:

(1) With the widespread use of computers, the Internet and electronic devices to commit crimes and the critical lack of resources at state and local levels;

(2) Modern day criminals have learned to exploit the Internet and electronic communication to leverage computer technology to reach a virtually unlimited number of victims while maintaining a maximum level of anonymity, computer crimes will continue to mount, especially in, but not limited to, the areas of child pornography and sexual offenses involving children, consumer fraud and harassment.

(3) It is necessary for the protection of the citizens of this state that provisions be made for the establishment of the Missouri regional computer forensics lab to prevent and reduce computer, Internet and other electronically-based crimes.

43.659. The state highway patrol shall have the power, as necessary or convenient to carry out and effectuate the purposes and provisions of sections 43.653 to 43.656, to enter into agreements or other transactions with, negotiate memorandum of understanding with all governmental agencies, participate in interstate computer forensic matters as they relate to the purposes of the center, both within and outside the state when necessary or appropriate, or when required to do so by a proper authority and accept grants and the cooperation of, the United States or any agency or instrumentality thereof or of this state or any agency or instrumentality thereof, in furtherance of the purposes of this section, and to do any and all things necessary in order to avail itself of such aid and cooperation."; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Singleton offered SSA 1 for SA 3:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 3, Section 43.540, Line 23 of said page, by inserting after all of said line the following:

"43.653. The Department of Public Safety is hereby authorized to create, direct, control and supervise the "Missouri Regional Computer Forensics Lab" (RCFL). The Department of Public Safety has the ability to bring together federal, state, and local resources to fight computer crimes for the purposes listed in section 43.656. The RCFL shall be located within a twenty-five mile radius of an international airport.

43.656. It is hereby found and declared that:

(1) With the widespread use of computers, the Internet and electronic devices to commit crimes and the critical lack of resources at state and local levels;

(2) Modern day criminals have learned to exploit the Internet and electronic communication to leverage computer technology to reach a virtually unlimited number of victims while maintaining a maximum level of anonymity, computer crimes will continue to mount, especially in, but not limited to, the areas of child pornography and sexual offenses involving children, consumer fraud and harassment.

(3) It is necessary for the protection of the citizens of this state that provisions be made for the establishment of the Missouri regional computer forensics lab to prevent and reduce computer, Internet and other electronically-based crimes.

43.659. The Department of Public Safety shall have the power, as necessary or convenient to carry out and effectuate the purposes and provisions of sections 43.653 to 43.656, to enter into agreements or other transactions with, negotiate memorandum of understanding with all governmental agencies, participate in interstate computer forensic matters as they relate to the purposes of the center, both within and outside the state when necessary or appropriate, or when required to do so by a proper authority and accept grants and the cooperation of, the United States or any agency or instrumentality thereof or of this state or any agency or instrumentality thereof, in furtherance of the purposes of this section, and to do any and all things necessary in order to avail itself of such aid and cooperation."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above substitute amendment be adopted, which motion prevailed.

Senator Kinder offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, Page 14, Section 589.417, Lines 2-23 of said page, by striking all of said lines, and inserting in lieu thereof the following:

"589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies, **and to members of the public pursuant to section 589.430.**

2. Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the chief law enforcement official of the county.

3. Law enforcement agencies and their employees, state officials, the departments of public safety, corrections, social services and their employees, independent contractors and staff acting at the direction of these agencies shall be immune from liability in carrying out the provisions of this section and section 589.430, except in instances of gross negligence or willful misconduct.

589.430. 1. As used in this section, the following terms mean:

(1) "Director", the director of the department of corrections;

(2) "Local law enforcement agencies", all law enforcement agencies that have jurisdiction in the location where the sex offender resides, is employed, carries on a vocation or is a student;

(3) "Sex offender", any person required to register pursuant to the provisions of section 589.400.

2. A sex offender shall be assessed on the basis of the offender's risk to commit any act that would require an offender to comply with the provisions of sections 589.400 to 589.425. An assessment of a sex offender shall be conducted in each of the following circumstances:

- (1) The department of corrections releases the offender for supervision in the community;**
- (2) The department of corrections releases the offender from confinement due to completion of sentence or at the direction of a court;**
- (3) The department of corrections accepts the offender for supervision in the community upon court order;**
- (4) The department of corrections is advised by the department of another state that the offender is residing, employed, carrying on a vocation or is a student in this state.**

3. The risk assessment shall be conducted at least ninety days prior to the offender being released into the community by the department of corrections, or as soon as practicable after the department is aware that the offender should be assessed pursuant to subsection 1 of this section.

4. In making a risk assessment, the department of corrections shall use a risk assessment instrument that considers at a minimum the following factors: the number and nature of sexual offenses committed by the offender; the age of the offender and the victim at the time of the offense; the relationship between the offender and the victim and the degree of vulnerability of the victim; whether force or any weapon was used by the offender in committing the offense; the degree and nature of injury to the victim; and the offender's response to any treatment program that addressed the offender's sexually deviant behavior.

5. Depending on the level of risk determined by the department of corrections, notice shall be provided in accordance with this section and any notice guidelines developed by a notice guideline committee appointed by the director. The notice guideline committee shall be comprised of at least twelve members representing the departments of corrections, public safety, mental health, elementary and secondary education and social services as well as persons with experience in victim's issues, treatment of sex offenders and law enforcement. The committee members shall serve at the discretion of the director and shall receive no compensation but shall be reimbursed by the department of corrections for actual and necessary expenses incurred in the performance of their duties. In developing notice guidelines, the committee shall have access to records of the department of corrections. Any records reviewed by the committee shall remain confidential, and any meeting of the committee at which such confidential records are reviewed shall be a closed meeting, as defined in chapter 610, RSMo.

6. If the sex offender is determined to be low risk, the department of corrections shall notify known victims pursuant to notice guidelines and the departments of public safety and social services with the results of the risk assessment. The department of corrections shall also forward the results of the risk assessment to all local law enforcement agencies. In response to a question by any member of the public regarding whether or not a particular low risk person is registered with the registry of offenders maintained pursuant to sections 589.400 to 589.425, the departments of corrections and public safety and local law enforcement agencies shall verbally disclose whether or not the subject of the inquiry is registered, the offense for which the offender was convicted, and the location and telephone number of the local office of the department of corrections providing supervision.

7. If the sex offender is determined to be a moderate risk, the department of corrections shall notify known victims pursuant to notice guidelines and the departments of public safety and social services with the results of the risk assessment. The department of corrections shall also forward the results of the risk assessment to all local law enforcement agencies. The local law enforcement agencies are authorized to provide notice to local schools and day care centers in the area of the offender's residence, employment or place of study in accordance with notice guidelines developed by the notice committee. In response to a question by any member of the public regarding moderate risk sex offenders required to register pursuant to sections 589.400 to 589.425, the departments of corrections and public safety and local law enforcement agencies shall disclose verbally or through written notice the names of offenders and any known aliases, descriptions of the offenders, the offenders' addresses, the nature of the offenders' convictions, and the location and telephone number of the local office of the department of corrections providing supervision over the offenders.

8. If the sex offender is determined to be high risk, the department of corrections shall notify known victims pursuant to notice guidelines and the departments of public safety and social services with the results of the risk assessment. The department shall also forward the results of the risk assessment to all local law enforcement agencies. The local law enforcement agencies are authorized to provide notice to local schools, day care centers and neighbors in the area of the offender's residence, employment or place of study in accordance with notice guidelines developed by the notice committee. In response to a question by any member of the public regarding high risk sex offenders required to register pursuant to sections 589.400 to 589.425, the departments of corrections and public safety and local law enforcement agencies shall disclose verbally or through written notice the names of offenders and any known aliases, a description of the offenders, the offenders' addresses, the nature of the offenders' convictions, a copy or access to recent photographs of the offenders, and a description of any motor vehicles owned or operated by the offenders along with license numbers and the locations and telephone numbers at the local office of the department of corrections providing supervision over the offenders."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Westfall moved that **SS for SCS for SBs 969, 673 and 855**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SS for SCS for SBs 969, 673 and 855**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1242--Transportation.

HB 1075--Transportation.

HB 1320--Transportation.

HB 1515--Education.

HB 1569--Commerce and Environment.

HB 1265--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1849--Local Government and Economic Development.

HB 1745--Transportation.

HB 1400--Transportation.

HB 1141--Transportation.

HB 1270--Transportation.

HB 1783--Aging, Families and Mental Health.

HB 1768--Judiciary.

HB 1814--Judiciary.

HB 1712--Judiciary.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 837, 866, 972** and **990** to the Committee on State Budget Control.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 58--Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1412**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

CONCURRENT RESOLUTIONS

Senator Rohrbach moved that **SCR 41** be taken up for adoption, which motion prevailed.

On motion of Senator Rohrbach, **SCR 41** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Mathewson
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			

Gross	Quick	Schneider	Staples--4
Absent with leave--Senator Loudon--1			

Senator Cauthorn moved that **HCR 6** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **HCR 6** was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Coleman
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins--25			
NAYS--Senators--None			
Absent--Senators			
Bentley	Childers	House	Mathewson
Quick	Schneider	Staples	Yeckel--8
Absent with leave--Senator Loudon--1			

Senator Sims moved that **SCR 54** be taken up for adoption, which motion prevailed.

On motion of Senator Sims, **SCR 54** was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Coleman
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bentley	Childers	Goode	Quick
Schneider	Staples--6		
Absent with leave--Senator Loudon--1			

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SB 840**; and **SB 740**, begs leave to report that it has considered the same and recommends that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 894**, **SB 975** and **SB 927**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 894**, **975** and **927**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 894, 975 and 927

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing, school supplies and personal computers before the start of the school year, with an emergency clause and a termination date.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 894, 975 and 927** be adopted.

Senator Gross assumed the Chair.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, Page 3, Section 144.049, Line 73, by adding:

"7. This act shall become law on condition that a pay adjustment for all state employee's shall be appropriated and paid in the amount of \$1000.00 minimum for each employee; otherwise, this act shall be null and void."

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Jacob, Kinder and Mathewson.

Senator Jacob offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, Page 3, Section 144.049, Line 73, by inserting immediately after said line, the following:

"7. This act shall become effective upon the final passage of a balanced budget for the 2003 fiscal year."

Senator Jacob moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, by adding: "which shall include a pay raise of at least one thousand dollars per state employee otherwise this act is null and void".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Rohrbach, Stoll, Wiggins and Mathewson.

Senator Jacob raised the point of order that **SA 1** to **SSA 1** for **SA 1** is out of order as it is in the negative.

The point of order was referred to the President Pro Tem.

Senator Jacob raised a second point of order that **SA 1** to **SSA 1** for **SA 1** is out of order as it is in the third degree.

The point of order was referred to the President Pro Tem.

President Pro Tem Kinder ruled the second point of order raised by Senator Jacob not well taken, and the first point of order raised by Senator Jacob well taken.

SSA 1 for **SA 1** was again taken up.

Senator Steelman offered **SA 2** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, by inserting after the word "year" the words "and each year thereafter".

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Gibbons assumed the Chair.

Senator Schneider offered **SA 3** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 894, 975 and 927, by adding: "and that such budget shall contain a pay raise of at least \$900 per employee for all state employees".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dougherty, Stoll, Goode and Mathewson.

SA 3 to **SSA 1** for **SA 1** was adopted by the following vote:

YEAS--Senators			
Bentley	Cauthorn	Coleman	DePasco
Dougherty	Goode	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
NAYS--Senators			
Caskey	Childers	Foster	Gibbons
Gross	House	Jacob--7	

Bland

Absent--Senators

Staples--2

Absent with leave--Senator Loudon--1

SSA 1 for **SA 1**, as amended, was again taken up.

At the request of Senator Jacob, **SSA 1** for **SA 1**, as amended, was withdrawn.

SA 1 was again taken up.

Senator Schneider requested unanimous consent of the Senate to change **SA 1** by deleting "1000.00" and inserting "900.00", which request was granted.

Senator Schneider moved that **SA 1** be adopted, which motion prevailed.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substituted for Senate Bills Nos. 894, 975 and 927, Page 3, Section 144.049, Line 73, by inserting after all of said line the following:

"144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, and the balance, with interest as determined by section 32.065, RSMo, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, or refunded, with interest as determined by section 32.065, RSMo, to the person legally obligated to remit the tax, only if duplicate copies of a claim for refund are filed within three years from date of overpayment and:

(1) Where the claim for refund is over one thousand dollars, the person legally obligated to remit the tax demonstrates to the satisfaction of the director of revenue that all incorrectly collected or incorrectly computed amounts were or will be refunded or credited to every purchaser that originally paid the tax;

(2) Refunds under one thousand dollars may not exceed one thousand dollars in the aggregate over any five year time frame; or

(3) In lieu of subdivisions (1) and (2) of this subsection and regardless of the amount of refund claimed, the person legally obligated to remit the tax submits to the director amended sales tax returns showing the correct amount of gross receipts for each reporting period originally filed and proves to the director's satisfaction that the tax originally reported and remitted to the director was paid by such person claiming the refund or credit and was not collected from purchasers.

4. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any

portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

[4.] **5.** Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 92 and 94, RSMo, shall be remitted based upon the location of the place of business of the purchaser."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Quick, Stoll and Wiggins.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	DePasco	Dougherty	Goode
Jacob	Johnson	Kennedy	Kenney
Mathewson	Quick	Rohrbach	Schneider
Singleton	Stoll--14		
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Gross
House	Kinder	Klarich	Klindt
Russell	Sims	Steelman	Westfall
Wiggins	Yeckel--18		
Absent--Senator Staples--1			
Absent with leave--Senator Loudon--1			

Senator Kinder moved that **SCS** for **SBs 894, 975 and 927**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **SBs 894, 975 and 927**, as amended, was declared perfected and ordered printed.

Photographers from the St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber today.

Senator Sims moved that **SB 670** and **SB 684**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 670** and **684**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 670 and 684

An Act to repeal sections 191.900, 191.910, 198.012, 198.029, 198.032, 198.067, 198.070, 198.082, 198.090, 198.526, 198.532, 344.050, 565.186, 565.188, 565.190, 660.050, 660.058, 660.305, 660.315, 660.317 and 660.320, RSMo, relating to protection of the elderly, and to enact in lieu thereof thirty-two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **SBs 670** and **684** be adopted.

Senator Sims offered **SS** for **SCS** for **SBs 670** and **684**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 670 and 684

An Act to repeal sections 191.900, 191.910, 198.012, 198.029, 198.032, 198.067, 198.070, 198.082, 198.090, 198.526, 198.532, 344.050, 565.186, 565.188, 565.190, 660.050, 660.058, 660.305, 660.315, 660.317 and 660.320, RSMo, relating to protection of the elderly, and to enact in lieu thereof thirty-two new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS** for **SCS** for **SBs 670** and **684** be adopted.

Senator Gross assumed the Chair.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 52, Section 565.200, Line 15 of said page, by inserting after all of said line the following:

"630.140. 1. Information and records compiled, obtained, prepared or maintained by the residential facility, day program operated, funded or licensed by the department or otherwise, specialized service, or by any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, RSMo, in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential.

2. The facilities or programs shall disclose information and records including medication given, dosage levels, and individual ordering such medication to the following upon their request:

(1) The parent of a minor patient, resident or client;

(2) The guardian or other person having legal custody of the patient, resident or client;

(3) The attorney of a patient, resident or client who is a ward of the juvenile court, an alleged incompetent, an incompetent ward or a person detained under chapter 632, RSMo, as evidenced by court orders of the attorney's appointment;

(4) An attorney or personal physician as authorized by the patient, resident or client;

(5) Law enforcement officers and agencies, information about patients, residents or clients committed pursuant to chapter 552, RSMo, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement officers shall be obligated to keep such information confidential;

(6) The entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. 6042. The entity or agency shall be able to obtain access to the records of a person with developmental disabilities who is a client of the entity or agency if such person has authorized the entity or agency to have such access; and the records of any person with developmental disabilities who, by reason of mental or physical condition is unable to authorize the entity or agency to have such access, if such

person does not have a legal guardian, conservator or other legal representative, and a complaint has been received by the entity or agency with respect to such person or there is probable cause to believe that such person has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section;

(7) The entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C 10801 shall be able to obtain access to the records of a patient, resident or client who by reason of mental or physical condition is unable to authorize the system to have such access, who does not have a legal guardian, conservator or other legal representative and with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section. The provisions of this subdivision shall apply to a person who has a significant mental illness or impairment as determined by a mental health professional qualified under the laws and regulations of the state;

(8) To mental health coordinators, but only to the extent necessary to carry out their duties under chapter 632, RSMo.

3. The facilities or services may disclose information and records under any of the following:

(1) As authorized by the patient, resident or client;

(2) To persons or agencies responsible for providing health care services to such patients, residents or clients;

(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies; provided, that such personnel shall not identify, directly or indirectly, any individual patient, resident or client in any report of such research, audit or evaluation, or otherwise disclose patient, resident or client identities in any manner;

(5) To the courts as necessary for the administration of chapter 211, RSMo, 475, RSMo, 552, RSMo, or 632, RSMo;

(6) To law enforcement officers or public health officers, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement and public health officers shall be obligated to keep such information confidential;

(7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(8) To the attorney representing petitioners, but only to the extent necessary to carry out their duties under chapter 632, RSMo;

(9) To the department of social services **or the department of health and senior services** as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents, or clients;

(10) To a county board established pursuant to sections 205.968 to 205.972, RSMo 1986, but only to the extent necessary to carry out their statutory responsibilities. The county board shall not identify, directly or indirectly, any individual patient, resident or client.

4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.

5. The records and files maintained in any court proceeding under chapter 632, RSMo, shall be confidential and available only to the patient, his attorney, guardian, or, in the case of a minor, to a parent or other person having legal custody of the patient, and to the petitioner and his attorney. In addition, the court may order the release or use of such records or files only upon good cause shown, and the court may impose such restrictions as the court deems

appropriate.

6. Nothing contained in this chapter shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

7. The fact of admission of a voluntary or involuntary patient to a mental health facility under chapter 632, RSMo, may only be disclosed as specified in subsections 2 and 3 of this section.

630.167. 1. Upon receipt of a report, the department or its agents, contractors or vendors or the department of health and senior services, if such facility or program is licensed pursuant to chapter 197, RSMo, shall initiate an investigation within twenty-four hours.

2. If the investigation indicates possible abuse or neglect of a patient, resident or client, the investigator shall refer the complaint together with the investigator's report to the department director for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal from a facility not operated or funded by the department is necessary to protect the residents from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the residents in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident for a period not to exceed thirty days.

3. (1) Reports referred to in section 630.165 and the investigative reports referred to in this section shall be confidential, shall not be deemed a public record, and shall not be subject to the provisions of section 109.180, RSMo, or chapter 610, RSMo; except that: complete copies all such reports shall be open and available to the parents or other guardian of the patient, resident, or client who is the subject of such report, except that the names and any other descriptive information of the complainant or other person mentioned in the reports shall not be disclosed unless such complainant or person specifically consents to such disclosure. All reports referred to in this section shall be admissible in any judicial proceedings or hearing in accordance with section 36.390, RSMo, or any administrative hearing before the director of the department of mental health, or the director's designee. All such reports may be disclosed by the department of mental health to law enforcement officers and public health officers, but only to the extent necessary to carry out the responsibilities of their offices, and to the department of social services, **to the department of health and senior services** and to boards appointed pursuant to sections 205.968 to 205.990, RSMo, that are providing services to the patient, resident or client as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents or clients provided that all such law enforcement officers, public health officers, department of social services' officers, **department of health and senior services' officers** and boards shall be obligated to keep such information confidential;

(2) Except as otherwise provided in this section, the proceedings, findings, deliberations, reports and minutes of committees of health care professionals as defined in section 537.035, RSMo, or mental health professionals as defined in section 632.005, RSMo, who have the responsibility to evaluate, maintain, or monitor the quality and utilization of mental health services are privileged and shall not be subject to the discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible into evidence into any judicial or administrative action for failure to provide adequate or appropriate care. Such committees may exist, either within department facilities or its agents, contractors, or vendors, as applicable. Except as otherwise provided in this section, no person who was in attendance at any investigation or committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding or to disclose any opinion, recommendation or evaluation of the committee or board or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before any committee or in the course of any investigation, nor is any member, employee or agent of such committee or other person appearing before it to be prevented from testifying as to matters within their personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about the testimony or other proceedings before any investigation or before any committee;

(3) Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from investigation committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards; provided, however, that such information, once obtained by such board and associated persons, shall be governed in accordance with the provisions of this subsection;

(4) Nothing in this section shall limit authority otherwise provided by law in subdivisions (5) and (6) of subsection 2 of section 630.140 concerning access to records by the entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. 6042 and the entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801. In addition, nothing in this section shall serve to negate assurances that have been given by the governor of Missouri to the U.S. Administration on Developmental Disabilities, Office of Human Development Services, Department of Health and Human Services concerning access to records by the agency designated as the protection and advocacy system for the state of Missouri. However, such information, once obtained by such entity or agency, shall be governed in accordance with the provisions of this subsection.

4. Anyone who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil liability for making such a report or for testifying unless such person acted in bad faith or with malicious purpose.

5. Within five working days after a report required to be made pursuant to this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

6. No person who directs or exercises any authority in a residential facility, day program or specialized service shall evict, harass, dismiss or retaliate against a patient, resident or client or employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which he or she has reasonable cause to believe has been committed or has occurred.

7. Any person who is discharged as a result of an administrative substantiation of allegations contained in a report of abuse or neglect may, after exhausting administrative remedies as provided in chapter 36, RSMo, appeal such decision to the circuit court of the county in which such person resides within ninety days of such final administrative decision. The court may accept an appeal up to twenty-four months after the party filing the appeal received notice of the department's determination, upon a showing that:

- (1) Good cause exists for the untimely commencement of the request for the review;
- (2) If the opportunity to appeal is not granted it will adversely affect the party's opportunity for employment; and
- (3) There is no other adequate remedy at law."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 28, Section 191.910, Lines 2-7, by deleting in line 2 all words after the ";", all of lines 3-6 and in line 7 everything before the word "and"; and

Further amend said bill, page 28, Section 191.910, line 14, by deleting the following:

", **including investigative subpoenas**,"; and

Further amend said bill, page 28, Section 191.910, line 20, by deleting the words "**either commence a state prosecution or**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 61, Section 660.610, by inserting after all of said line the following:

"168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(c) After September 1, 2004, successful completion of a course or courses in first aid and cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, or such other courses approved by the state board of education, with no certificate being issued pursuant to this section without successful course completion;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; [and]

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed; **and**

(d) After September 1, 2004, successful completion of a course or courses in first aid and cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, or such other courses approved by the state board of education, with no certificate being issued pursuant to this section without successful course completion.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 39, Section 198.067, Line 23, by inserting after all of said line the following:

"198.074. 1. Long term care facilities, adult day care facilities, residential care facilities I and residential care facilities II shall make immunizations for influenza and pneumonia available to residents sixty-five years of age or older, on-site on a yearly basis or upon admission. Written consent for such immunizations shall be given by

the resident and his or her physician. The department shall prescribe by rule, the manner by which such facilities shall document compliance with this section, including documenting residents who refuse to be immunized. The department shall not impose a violation on a licensee for not making an immunization available if there is a shortage of that immunization in this state as determined by the director of the department of health and senior services.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Steelman offered SA 1 to SA 4, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 1, Section 198.074, Lines 3-4, by deleting the words "adult day care facilities,"; and further amend said page, said section, line 15 by adding the following at the end of said line: "**Adult day care facilities shall inform and assist their clients regarding immunizations.**".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 61, Section 660.610, Line 8, by inserting after the word "press" the following: "**and to the legal guardian or next of kin of the residents of said facility**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 36, Section 198.067, Line 14, by deleting the words "or attorney general".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Pages 52 and 53, Section 660.030, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 35, Section 198.032, Line 8, by deleting all of said line; and further amend line 9, by deleting the words "anonymously, the" and inserting in lieu thereof the following: "**4. The**"; and further amend said line, by deleting the word "after" and inserting in lieu thereof the word "**before**"; and further amend said section, said page, line 11, by deleting the words "attempt to".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 40, Section 198.082, Line 2, by deleting the words "one hundred twenty days" and inserting in lieu thereof the following: "**six months**"; and further amend said section, page 41, line 4, by deleting the words "one hundred twenty days" and inserting in lieu thereof, the following: "**six months**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 7, Section 187.020, Lines 1-4, by deleting all of said lines and substituting in lieu thereof the following:

"3. Any person required in subsection 1 of this section to report or cause a report to be made to the department who knowingly fails to make a report within a reasonable time after the act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor."

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Pages 35 and 36, Section 198.033, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion failed.

Senator Klarich offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 15, Section 187.050, Lines 14 and 15, by deleting said lines and replace in lieu thereof the following:

"6. Reports shall be confidential unless determined by a court of competent jurisdiction to the contrary at the courts discretion, or upon a request for an expedited hearing. Such"; and

Further amend said section, line 19, by deleting said line and replace in lieu thereof the following:

"individual with a durable power of attorney allowing such individual the receipt of such information, or any"; and

Further amend said bill, page 12, Section 187.028, Lines 4-5, by deleting said lines, and replace in lieu thereof the following:

"5. Reports shall be confidential unless determined by a court of competent jurisdiction to the contrary at the courts discretion, or upon a request for an expedited hearing. Such"; and

Further amend on line 9, by deleting said line and inserting in lieu thereof the following: "individual with a durable power of attorney allowing such individual the receipt of such information, or any".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 8, Section 187.024, Lines 8 and 9, by deleting the words "resident's next of kin" and substituting in lieu thereof the word "**person**".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Sims moved that **SS** for **SCS** for **SBs 670** and **684**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS** for **SCS** for **SBs 670** and **684**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 1386, regarding Lafayette High School, Wildwood, which was adopted.

Senator Sims offered Senate Resolution No. 1387, regarding Meredith Anne Nowicke, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1388, regarding Leetah Nickel, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1389, regarding Leslie Joy Paule, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1390, regarding Caitlin O'Day, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1391, regarding Michelle Pfaender, Arnold, which was adopted.

Senator Sims offered Senate Resolution No. 1392, regarding Lindsey Frances Moore, House Springs, which was adopted.

Senator Sims offered Senate Resolution No. 1393, regarding Theresa Muehlhauser, which was adopted.

Senator Sims offered Senate Resolution No. 1394, regarding Ashley Mensinger, Black Jack, which was adopted.

Senators House and Gross offered Senate Resolution No. 1395, regarding Randall J. "Randy" Santel, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1396, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Antrobus, St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Andy Holtgrieve, St. Charles.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Jacob E. Locke, M.D., St. Louis.

Senator Foster introduced to the Senate, John Robertson, Kennett; and David Blackmore, Campbell.

Senator Klindt introduced to the Senate, Tina Wilsen and 21 students and adults from Harrison County R-4 School, Gilman City.

Senator Caskey introduced to the Senate, members of the Student Government Association from Central Missouri State University, Warrensburg.

Senator Bentley introduced to the Senate, representatives of MAOPS from around the state.

Senator Sims introduced to the Senate, 90 fourth grade students from Willowbrook Elementary School, St. Louis.

On behalf of Senator Loudon, Senator Sims introduced to the Senate, students from Carrollton Elementary School, St. Louis; and Dalton Denson, Sean Mulikey, Jessica Combs, Regan Cook and Josh Dellosa were made honorary pages.

Senator Cauthorn introduced to the Senate, Jonah, Josh, Jake and Julia Barry, Clarence; and Jonah, Josh and Jake were made honorary pages.

Senator Steelman introduced to the Senate, Denise Besemer and 34 eleventh and twelfth grade students from Steelville R-3 School, Crawford.

Senator Kennedy introduced to the Senate, Nan Thomas, Mary Rice and Theresa and Roland Mayer, St. Louis.

Senator Mathewson introduced to the Senate, former State Senator J.B. "Jet" Banks, St. Louis.

Senator Rohrbach introduced to the Senate, Mark Bruns, Jefferson City.

Senator Gross introduced to the Senate, fourth grade students from Benton Elementary School, St. Charles.

Senator Caskey introduced to the Senate, Mrs. Bonnie Manion, Mr. Richard Orr, Mrs. Carolyn Harms and third, fourth, fifth and sixth grade students from Windsor Elementary School, Windsor; and Rachel Hamilton, Dillon Johnson, Nathan Brennan, Clint Schweitzer and Baillie Strong were made honorary pages.

Senator Russell introduced to the Senate, Orville and Mary Carolyn Burkemper, Camdenton.

Senator Kenney introduced to the Senate, Donald and Joanne McCarty, Bates City; Helen Fluke, Billy and Willa Stork, Eugene Storey, Elizabeth Branson, Helen Howell, Judy Fundis and Catherine Curtis, Independence; Keith Hardin, Richmond; Lois Benshoof, Blue Springs; Alice Hicks and Helen Owings, Dan and Kathleen Baer and Willa Mae Thomas, Oak Grove; and Robert Hacklen, Republic.

Senator Sims introduced to the Senate, Mrs. Helen Dirck, Sheila Dirck, Linda Hennessey, Ed Dirck, Jr. and Cathy Dirck and June Deering, St. Louis; and Lee and Jerry Schwartz, Jefferson City.

Senator Bentley introduced to the Senate, Tellus Truesdale, Winnebago, Illinois; Bryan Osterloh and Wesley Murphy, Marionville; Jason Stubbs, Williamston, Michigan; Luke Arthur, Houston; Preston Ingram, Steve Jenkins, Rhonda Jenkins and Anthony Moore, Springfield; Daniel Cutbirth, Hurley; John Spears, Columbia, South Carolina; Grant Curtis, Lawson; Dimitrius Breedlove, Orlando, Florida; Chad Sleeper, Houston, Texas; Judd Broxson, Pensacola, Florida; and Bert Capel, Erlanger, Kentucky.

Senator Rohrbach introduced to the Senate, Florence Kroeck, Stella Smith, Faye Barry, Shirley

Ball, Audrey Jenkins, Carol Barbour, Sue Rouse and Loretta Hutchison, California.

Senator DePasco introduced to the Senate, former State Representative Alex Fazzino, Kansas City.

Senator Johnson introduced to the Senate, Junior Girl Scout Troop #18 from the Park Hill School District, Kansas City.

Senator Kenney introduced to the Senate, Alan Flory, John Faulkenberry, Linda Wallis, Ann Starlin-Horner, Mary Stilley, Shawn Gordon, Diane Forte, Lynn Hinkle, Barbara Uhlig, Lacy Gambill, Shirley Daus and Anne Pedersen, Lee's Summit; and David Cornelius, Kansas City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SEVENTH DAY-THURSDAY, APRIL 4, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

HCS for HB 1154

HB 1192-Harding and Boucher

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1672-Gambaro, et al

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1817

HS for HCS for HB 1877-Foley

HB 1592-Hickey, et al

HS for HCS for HB 1532-Hoppe

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73rd)

HCS for HB 1556

HB 1748-Ransdall

HS for HCS for HB 1762-Harding

HCS for HB 1689

HB 1851-Curls

HB 1795-Berkowitz, et al

HB 1412-Skaggs and Hosmer

THIRD READING OF SENATE BILLS

SS for SCS for SB 840-Gross

SB 740-Wiggins

SS for SCS for SBs 837, 866,

972 & 990-Cauthorn

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 1059-Bentley, et al,

with SCS

2. SB 1052-Sims, with SCS

3. SB 884-DePasco and

Kenney, with SCS

4. SBs 984 & 985-

Steelman, with SCS

5. SB 1046-Gross and

House, with SCS

6. SB 1103-Westfall, et al
7. SBs 915, 710 & 907-
Westfall, et al, with SCS
8. SBs 923, 828, 876, 694
& 736-Sims, with SCS
9. SB 676-Yeckel, et al, with SCS
10. SB 900-Goode, et al, with SCS
11. SB 1107-Childers, with
SCS
12. SB 912-Mathewson,
with SCS
13. SB 892-Kenney, with SCS
14. SB 910-Gibbons
15. SB 1104-Mathewson
16. SB 954-Loudon, with SCS
17. SB 1014-Klindt and Kinder
18. SB 1152-Klarich, with SCS
19. SBs 766, 1120 & 1121-
Steelman, with SCS
20. SB 926-Kenney, et al,
with SCS
21. SB 1140-Rohrbach
22. SBs 1112 & 854-Caskey
and Russell, with SCS
23. SB 1111-Quick, with SCS
24. SB 689-Gibbons, et al,
with SCS
25. SB 938-Cauthorn, et al
26. SB 1087-Gibbons,

et al, with SCS

27. SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS

28. SB 1248-Mathewson and

Kenney, with SCAs 1 & 2

29. SB 971-Klindt, et al,

with SCS

30. SBs 1063 & 827-Rohrbach

and Kenney, with SCS

31. SB 1010-Sims

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell,

et al, with SCS (pending)

SB 647-Goode, with SCS

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
SB 668-Bentley, with SS &
SA 1 (pending)
SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS, SS
for SCS & SA 1 (pending)
SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)
SBs 958 & 657-Kinder, with SCS
SB 1005-Loudon
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 1115, with SCS

(Russell)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds

HCR 7-Boykins and Barry

HS for HCR 15-O'Toole,

et al (DePasco)

SCR 43-Loudon, with SCS

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SEVENTH DAY--THURSDAY, APRIL 4, 2002

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord is in his holy temple; let all the earth keep silent before him." (Habakkuk 2:20)

Holy Lord, we are silent before You and seek to listen to Your voice. Speak to us that we might be bold in our living as Your servants here in the Senate as well as home. We give You thanks for the birth of John, Jr. to Senator Loudon; keep this family, we pray, in good health and peace all the days of their lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel --32

Absent with leave--Senators

Coleman Loudon--2

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1397, regarding Alison Newell, which was adopted.

Senator Stoll offered Senate Resolution No. 1398, regarding Wiley R. Sims, Festus, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1399, regarding Patricia S. "Pat" Graber, Versailles.

Senator Rohrbach offered Senate Resolution No. 1400, regarding Major Oliver Burris, Eldon.

Senator Rohrbach offered Senate Resolution No. 1401, regarding Marjorie "Marge" Kassel, Jefferson City.

Senator Rohrbach requested unanimous consent of the Senate that the above resolutions be adopted in one motion ,

which request was granted.

Senator Rohrbach moved that **SR 1399**, **SR 1400** and **SR 1401** be adopted, which motion prevailed.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1402

WHEREAS, the 44th Annual Meeting of the Missouri Conference on History is being held in Kansas City, Missouri, April 18 through 20, 2002; and

WHEREAS, the Conference brings together historians, scholars, educators, and the general public to share in presentations of the results of research, to exchange information on teaching and curriculum, to consider ways to promote interest in history and the welfare of the profession and to discuss other common concerns to all Missouri historians; and

WHEREAS, the National Archives Central Plains Region is hosting the Conference, and the Harry S Truman Museum and Library, the State Historical Society of Missouri, the Missouri State Archives, the Center for the Study of the Korean War and the Kansas City branch of the Western Historical Manuscript Collection have joined it as sponsors; and

WHEREAS, the Kansas City business community has stepped forward in support of the Conference with donations of money and other resources; and

WHEREAS, the Conference is showcasing the greater Kansas City area with tours of historical and cultural sites, including the Steamboat Arabia Museum, the Airline History Museum at Kansas City, the Thomas Hart Benton Home, the National Frontier Trails Center Museum, the Jazz Hall of Fame and the Negro Leagues Baseball Museum; and

WHEREAS, the Conference has organized "History Expo 2002," a history trade show emphasizing the rich historical and cultural heritage as interpreted by Kansas City area organizations including historians, educators, museum professionals, publishers, re-enactors, living history performers and genealogists;

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate acknowledges the fine work of the Missouri Conference on History and its efforts to promote the teaching of history, historical research, historical preservation, and other professional applications of history.

Senator Stoll offered Senate Resolution No. 1403, regarding Brian Christopher Kennedy, Crystal City, which was adopted.

Senator Stoll offered Senate Resolution No. 1404, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Douglas Osterberg, Catawissa, which was adopted.

Senator Johnson offered Senate Resolution No. 1405, regarding the Platte County R-III High School District State Champion Pirates wrestling team, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1406, regarding George Schaefer, Jefferson City, which was adopted.

CONCURRENT RESOLUTIONS

Senators Steelman, Cauthorn, Klindt, Westfall, Rohrbach and Russell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 59

WHEREAS, in 1998, the Commissioner of Major League Baseball formed the Commissioner's Blue Ribbon Panel on Baseball Economics to study whether revenue disparities among professional baseball clubs are seriously damaging competitive balance in the league and to determine whether a lack of competitive balance in the league, if any, has had an adverse impact on the ability of the existing professional baseball clubs to grow the game of professional baseball, secure new facilities and produce operating stability; and

WHEREAS, the Commissioner also directed the Commissioner's Blue Ribbon Panel on Baseball Economics to explain its analysis and produce recommendations in the form of structural reforms to address the problems, if the Commission found a competitive imbalance and concluded that the competitive imbalance problem is related to structural characteristics of baseball's economic system and poses a threat to the game; and

WHEREAS, the Commissioner's Blue Ribbon Panel on Baseball Economics performed an extensive 18-month long investigation into these matters and produced an 87-page report of its findings, conclusions and recommendations, to wit: *The Report of the Independent Members of the Commissioner's Blue Ribbon Panel on Baseball Economics (July 2000)*; and

WHEREAS, the Commissioner's Blue Ribbon Panel on Baseball Economics concluded that "large and growing revenue disparities exist and are causing problems of chronic competitive imbalance" in the professional game of baseball; and

WHEREAS, the Commissioner's Blue Ribbon Panel on Baseball Economics concluded that these problems became "substantially worse" during the five-season timeframe of their study and investigation (1995-1999) and "seem likely to remain severe unless Major League Baseball ("MLB") undertakes remedial actions proportional to the problem"; and

WHEREAS, the Commissioner's Blue Ribbon Panel on Baseball Economics concluded that "the problem of competitive balance is a product of MLB's economic structure, and that this structure is adversely affecting the ability of most clubs to increase revenues and achieve operating stability"; and

WHEREAS, the Commissioner's Blue Ribbon Panel on Baseball Economics concluded that "the limited revenue sharing and payroll tax that were approved as part of MLB's 1996 Collective Bargaining Agreement with the Major League Baseball Players Association ("MLBPA") have produced neither the intended moderating of payroll disparities nor improved competitive balance"; and

WHEREAS, the Commissioner's Blue Ribbon Panel on Baseball Economics concluded that "in a majority of MLB markets, the cost to clubs of trying to be competitive is causing escalation of ticket and concession prices, jeopardizing MLB's traditional position as the affordable family spectator sport"; and

WHEREAS, based upon its conclusions, the Commissioner's Blue Ribbon Panel on Baseball Economics made several recommendations to address the economic ills of professional baseball, to wit:

(1) Revenue Sharing--MLB should share at least 40 percent, and perhaps as much as 50 percent, of all member clubs' local revenue, less local ballpark expenses as uniformly defined; and

(2) Competitive Balance Tax--MLB should levy a 50 percent competitive balance tax on club payrolls that are above a fixed threshold of \$84 million and all clubs should be encouraged to have a minimum payroll of \$40 million; and

(3) Central Fund Distributions--MLB should use unequal distribution of new Central Fund revenues to improve competitive balance, creating a "Commissioner's Pool" that is allocated to assist low-revenue clubs in improving their competitiveness and in meeting the minimum payroll obligation of \$40 million; and

(4) Competitive Balance Draft--MLB should conduct an annual "Competitive Balance Draft" of players in which the weakest eight clubs would have a unique opportunity to select non-40-man roster players from the organizations of the eight clubs that qualified for the playoffs; and

(5) Rule 4 Draft--MLB should implement reforms in the Rule 4 draft; and

(6) Franchise Relocations--MLB should utilize strategic franchise relocations to address the competitive issues facing the game; and

WHEREAS, the Commissioner's Blue Ribbon Panel on Baseball Economics concluded that many of their recommendations "cannot be implemented unilaterally by MLB and its member clubs", but also require the concurrence and collaboration of the MLBPA; and

WHEREAS, in early December of 2001, the Commissioner testified before Congress that the economic climate of Major League Baseball is continuing to deteriorate and that the thirty existing professional clubs had a combined loss in excess of \$519 million during 2001; and

WHEREAS, as a result of the extremely poor economic performance of Major League Baseball throughout the past several years due to the structural flaws in baseball's economic system, the Commissioner recently called for the elimination of two professional baseball clubs from the thirty-member league, an action that has not been considered by Major League Baseball in over 100 years; and

WHEREAS, the industry of professional baseball is in severe turmoil with a possible players' strike and owners' lock-out being seriously considered and with several lawsuits having recently been filed against Major League Baseball concerning the issue of contraction and with several bills having recently been filed in Congress concerning the issue of baseball's exemption from federal antitrust laws:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Major League Baseball and the Major League Baseball Players Association to address the serious problems existing within the current economic structure of professional baseball and take substantial steps toward implementation of all

or a substantial portion of the recommendations set forth in *The Report of the Independent Members of the Commissioner's Blue Ribbon Panel on Baseball Economics (July 2000)*; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly, hereby urge the ownership groups of the St. Louis Cardinals and the Kansas City Royals, along with the players' representatives of all players on those two Missouri-based teams, to support and work in furtherance of the implementation of all or a substantial portion of the recommendations set forth in *The Report of the Independent Members of the Commissioner's Blue Ribbon Panel on Baseball Economics (July 2000)*; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly hereby declare that under no circumstances should Major League Baseball owners be permitted to use team elimination/contraction (Major League Baseball fielding fewer teams than the number that participated in the 2001 season) as a means to achieve or make progress towards the goals outlined in the Blue Ribbon Report; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly, hereby declare their support for a moratorium on providing state funding for the construction of a new professional baseball stadium in St. Louis and for a moratorium on providing increased state funding for the existing professional baseball stadium in Kansas City until such time as Major League Baseball, in conjunction with the Major League Baseball Players Association, takes substantial steps toward implementation of all or a substantial portion of the recommendations set forth in *The Report of the Independent Members of the Commissioner's Blue Ribbon Panel on Baseball Economics (July 2000)*; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Major League Baseball, the Major League Baseball Players Association, the St. Louis Cardinals, L.P., and the Kansas City Royals Baseball Corporation.

President Pro Tem Kinder referred the above concurrent resolution to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 969, 673 and 855**; and **SCS** for **SBs 894, 975 and 927**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SRB 1236**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 58**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 20**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SBs 894, 975 and 927** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Promod Kumar, as a member of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors;

Also,

Ronald A. Battelle, as a member of the Peace Officer Standards and Training Commission;

Also,

Thomas J. Koch, as a student representative of the Board of Regents for Linn State Technical College;

Also,

Kathleen A. Mahfood, as a member of the Missouri State Penitentiary Redevelopment Commission;

Also,

Harriett F. Woods, as a member of the Regional Convention and Sports Complex Authority;

Also,

Carol A. Wilson, as secretary and member and Kathy A. Surratt-States, as a member of the Board of Election Commissioners for St. Louis City;

Also,

Melba R. Hale, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

Jeanne R. Rhoades, as a member of the Advisory Commission for Clinical Perfusionists;

Also,

Jerry T. Duvall, as a member of the Kansas City Area Transportation Authority;

Also,

Alise Martiny-Byrd, as a member of the Missouri Training and Employment Council;

Also,

William C. Wilson, as a member of the State Committee for Professional Counselors.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 1059**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1059**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1059

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to accountability for priority and performance schools.

Was taken up.

Senator Bentley moved that **SCS** for **SB 1059** be adopted.

Senator Bentley offered **SS** for **SCS** for **SB 1059**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1059

An Act to repeal sections 160.011, 160.051, 160.530, 161.092 and 166.260, RSMo, and to enact in lieu thereof seven new sections relating to accountability for priority and performance schools.

Senator Bentley moved that **SS** for **SCS** for **SB 1059** be adopted.

Senator Childers assumed the Chair.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 9, Section 160.720, Line 25, by inserting after all of said line the following:

"(4) Permit a metropolitan district that is implementing a program of academic improvement in a school or schools identified pursuant to a settlement agreement for a desegregation lawsuit to submit the elements of the accountability compliance statement required in subdivisions (1) to (3) of this subsection for review for possible waiver solely in regard to the schools identified for academic improvement pursuant to the settlement agreement; provided, however, that the department of elementary and secondary education shall meet with any

district covered by the provisions of this subdivision prior to the district submitting any element of an accountability compliance statement, so that the department may identify elements of the settlement agreement academic improvement plan that are substantially similar to the requirements contained in this section, and the department shall advise such district if, based on its review, any further plan or reporting of such plans or elements is required."

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 1, Section A, Line 4, by inserting after all of said line the following:

"105.269. 1. Any metropolitan school district may allow retired teachers [to teach] **and administrators to be employed** in said metropolitan school district for up to four years without losing his or her retirement benefits or to teach or be an administrator in a charter school established pursuant to sections 160.400 to 160.420, RSMo, in said metropolitan school district without losing his or her retirement benefits. Said retired teacher need not be in the teacher's salary scale. Said metropolitan school district shall place an emphasis on hiring retired teachers to teach in areas that include but are not limited to, improving student reading, which may include elementary remedial reading and the "Read to be Ready Program" as established under this act, math, science and special education.

2. The department of elementary and secondary education shall adopt rules to implement the provisions of this section.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section and section 167.640, RSMo, shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and section 167.640, RSMo, and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Gross raised the point of order that SA 2 is out of order as the amendment is not germane to the legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Westfall offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 14, Section 160.720, Line 9 of said page, by inserting after all of said line the following:

"11. In any school year in which the school funding formula contained in subsection 6 of section 163.031, RSMo, has a proration factor on line 1(b) of less than 1.0, the provisions of subsections 2 to 9 of this section relating to priority schools and priority school districts shall not be enforced. For any school year in which full funding of the school aid formula appears to be in doubt after all appropriations bills are truly agreed and finally passed, the house budget chair and the senate appropriations chair shall send a joint letter to the commissioner of education by August first, notifying the department of elementary and secondary education of the likelihood of less than full funding and requesting that the department not enforce subsections 2 to 9 of this section unless

and until the department's calculations for the first "live" school aid payment of the school year show that the formula will have a proration factor on line 1(b) of no less than 1.0."

Senator Westfall moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of SA 3 and was joined in his request by Senators Bentley, Sims, Stoll and Westfall.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Childers	Foster	Gibbons
Gross	Kenney	R ohrbach	Russell
Steelman	Westfall--10		
NAYS--Senators			
Bentley	Bland	Caskey	DePasco
Dougherty	Goode	House	Jacob
Johnson	Kennedy	Klindt	Mathewson
Quick	Schneider	Sims	Singleton
Stoll	Wiggins	Yeckel--19	
Absent--Senators			
Kinder	Staples--2		
Absent with leave--Senators			
Coleman	Klarich	Loudon--3	

Senator Stoll offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 16, Section 161.092, Line 24, by inserting after all of said line the following:

- "163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater. Except as otherwise provided in subsection 3 of this section, any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.
2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.
3. (1) For any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calendar for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board

requesting that the deductions be made pursuant to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision (2) of this subsection.

(2) For deductions made pursuant to this subdivision, interest at the rate of six percent shall be charged on the excess and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months.

4. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

5. For the purposes of distribution of state school aid pursuant to section 163.031, a school district with ten percent or more of its assessed valuation owned by one person or corporation as commercial and/or personal property and this person or corporation is delinquent in its property tax payment, may elect, after receiving notice from the county clerk on or before March fifteenth, except in the year enacted, that more than ten percent of its current taxes due the preceding December thirty-first by a single property owner are delinquent, to use on line 2 of the state aid formula the district's equalized assessed valuation for the preceding year or the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent, a district must notify the department of elementary and secondary education on or before April first, except in the year enacted, of the current year amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes are owed and the total assessed valuation of the district for the year in which the taxes were due but not paid. Any district giving such notice to the department of elementary and secondary education shall present verification of the accuracy of such notice obtained from the clerk of the county levying delinquent taxes. When any of the delinquent taxes identified by such notice are paid during a four year period following the due date the county clerk shall give notice to the district and the department of elementary and secondary education and state aid paid to the district shall be reduced by an amount equal to the delinquent taxes received plus interest. The reduction in state aid shall occur over a period not to exceed five years and the interest rate on excess state aid not refunded shall be six percent annually.

6. If a district receives state aid based on equalized assessed valuation as determined by subsection 5 of this section and if prior to such notice the district was paid state aid pursuant to subdivision (2) of subsection 5 of section 163.031, the amount of state aid paid during the year of such notice and the first year following shall equal the sum of state aid paid pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 plus the difference between the state aid amount being paid before such notice minus the amount of state aid the district would have received pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 before such notice. To be eligible to receive state aid based on this provision the district must levy during the first year following such notice at least the maximum levy permitted school districts by article X, section 11(b) of the Missouri Constitution and have a voluntary rollback of its tax rate which is no greater than one cent per one hundred dollars assessed valuation.

Section B. Because the funding of free public schools is a prominent responsibility of this state, the repeal and reenactment of section 163.036 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 163.036 of this act shall be in full force and effect upon its passage and

approval."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion failed.

Senator Steelman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 166.260, Line 17, by inserting after all of said line the following:

"170.014. 1. This section shall be known as the "Reading Instruction Act" and is enacted to ensure that all public schools establish reading programs based in scientific research and offer explicit systematic phonics instruction in grades kindergarten through three as a significant component of a program of balanced reading instruction and that all new teachers who teach reading in grades kindergarten through three receive adequate training in the teaching of explicit systematic phonics.

2. As used in this section, "explicit systematic phonics", means the methodology of pronouncing and reading words by learning the phonetic sound association of individual letters, letter groups and syllables and the principles governing these associations. Reading instruction using implied recognition of words or partial words through the use of pictures or other references other than explicit pronunciation of phonetic letter combinations shall not be admitted as a substitute in compliance with this provisions.

3. Explicit systematic phonics instruction shall be offered in every public school in the state in grades kindergarten through three as a significant component of a program of balanced reading instruction. Nothing in this section shall be construed to allow for implicit phonics methodology as a substitute for the teaching of explicit systematic phonics as defined by this section.

4. On and after July 1, 2005, no teacher shall be certified to teach reading in the public schools of this state in grades kindergarten through three, either as a reading specialist or as a classroom teacher, unless the teacher has successfully completed instruction in explicit systematic phonics at the university or college level."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bentley, Caskey, Cauthorn and Gibbons.

SA 5 was adopted by the following vote:

YEAS--Senators			
Cauthorn	Childers	Dougherty	Foster
Gibbons	Gross	House	Kenney
Kinder	Klindt	Rohrbach	Russell
Singleton	Stelman	Westfall	Yeckel-- 16
NAYS--Senators			
Bentley	Caskey	Goode	Jacob
Johnson	Kennedy	Mathewson	Quick
Sims	Stoll	Wiggins-- 11	
Absent--Senators			
Bland	DePasco	Schneider	Staples--4
Absent with leave--Senators			
Coleman	Klarich	Loudon--3	

At the request of Senator Bentley, **SB 1059**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Kennedy offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 60

WHEREAS, the state of Missouri recognizes the critical importance of information technology to its government, industry and local economy; and

WHEREAS, high technology has made enormous contributions to the state's economic growth and competitiveness; and

WHEREAS, the high technology industry is one of the most vibrant sectors of Missouri's economy, with over 3,670 high technology companies employing 21,300 Missouri residents and generating over \$1 billion in annual wages; and

WHEREAS, high technology jobs are high-paying, high-skill, dynamic and adaptable, with the average Missouri high technology worker earning \$50,000 per year; and

WHEREAS, the positive economic impact of high technology in Missouri does not end with workers in well-paid, high technology jobs, but extends to the businesses that provide goods and services to high technology companies, resulting in an overall impact of 66,100 jobs and more than \$2.4 billion in wages for Missouri residents; and

WHEREAS, software piracy represents one of the greatest threats to the continued growth of Missouri's high technology industry, with software piracy costing the Missouri economy nearly 1,900 jobs and \$80 million in wages annually; and

WHEREAS, software piracy robs \$15.1 million annually from the state of Missouri in lost tax revenues; and

WHEREAS, software piracy can have a serious chilling effect on creativity, innovation and profitability in the vital high technology sector of Missouri's economy; and

WHEREAS, counterfeit and other forms of pirated software expose consumers, including state agencies, to the risk of computer viruses, reduced technical support and other problems that prevent the efficient operation of information systems; and

WHEREAS, in recognition of the destructive impact of software piracy on the Missouri economy and consumers, this General Assembly is committed to developing a comprehensive, statewide response to combat the use of unlicensed software in all state agencies and promote sound management of state information systems:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recommend that the Governor issue an Executive Order establishing the following:

Section 1. Policy. It shall be the policy of the state of Missouri that each state agency shall work diligently to prevent and combat computer software piracy in order to give effect to copyrights associated with computer software by observing the relevant provisions of federal law, including the U.S. Copyright Act, and applicable licensing restrictions.

(1) Each agency shall adopt procedures to ensure that the agency does not acquire, reproduce, distribute or transmit computer software in violation of U.S. copyright laws and applicable licensing restrictions.

(2) Each agency shall establish procedures to ensure that the agency has present on its computers and uses only computer software not in violation of U.S. copyright laws and applicable licensing restrictions. These procedures shall include:

(a) Preparing agency inventories of the software present on its computers;

(b) Determining what computer software the agency has the authorization to use; and

(c) Developing and maintaining adequate record-keeping systems.

(3) Each agency shall require its contractors and recipients of state financial assistance, including grants and loan guarantee assistance, to certify that they have appropriate systems and controls in place to ensure that state funds are not used to acquire, operate or maintain computer software in

violation of U.S. copyright laws or applicable licensing restrictions. If an agency becomes aware that contractors, grantees or other recipients of state financial assistance are using state funds to acquire, operate or maintain computer software in violation of U.S. copyright laws or applicable licensing restrictions, the agency shall take such corrective measures as the agency head deems appropriate and consistent with the requirements of law.

(4) The Office of Information Technology shall develop appropriate language for inclusion in state contracts to prohibit the use of state funds for the acquisition, operation or maintenance of computer software in violation of U.S. copyright laws or applicable licensing restrictions. Such language shall be required in all state contracts involving the purchase or utilization of computer software in the performance of such contracts.

(5) State agencies shall ensure that budget proposals relating to computer and data processing needs include adequate resources for the purpose of acquiring adequate computer software and licenses to meet those needs.

(6) State agencies shall cooperate fully in implementing this order and shall share information as appropriate that may be useful in combating the use of computer software in violation of applicable U.S. copyright laws or applicable licensing restrictions.

Section 2. Responsibilities of Agency Heads. In connection with the acquisition and use of computer software, the head of each state agency shall:

(1) Ensure agency compliance with U.S. copyright laws protecting computer software and with the provisions of this order to ensure that only authorized computer software is acquired for and used on the agency's computers;

(2) Utilize performance measures as recommended by the Office of Information Technology pursuant to Section 3 of this order to assess the agency's compliance with this order;

(3) Educate appropriate agency personnel regarding copyrights protecting computer software and the policies and procedures adopted by the agency to honor them; and

(4) Ensure that the policies and practices of the agency related to copyrights protecting computer software are adequate and fully implement the policies set forth in this order.

Section 3. Office of Information Technology. The Office of Information Technology ("OIT") shall be the principal interagency forum to improve state agency practices regarding the acquisition and use of computer software, and monitoring and combating the use of unauthorized computer software. OIT shall provide advice and make recommendations to state agencies and to the Chief Information Officer regarding appropriate government-wide measures to carry out this order. OIT shall issue its initial recommendations within 6 months of the date of this order.

Section 4. Chief Information Officer. The Chief Information Officer ("CIO") shall utilize appropriate oversight mechanisms to foster agency compliance with the policies set forth in this order. In carrying out these responsibilities, the CIO shall consider any recommendations made by OIT under Section 3 of this order regarding practices and policies to be instituted on a government-wide basis to carry out this order.

Section 5. Definition. "State agency" or "agency" shall include all agencies, boards, and commissions under the Governor's jurisdiction.

Section 6. Judicial Review. This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit, substantive or procedural, at law or in equity by a party against the state of Missouri, its agencies or instrumentalities, its officers or employees, or any other person.

Section 7. Severability. The invalidity of any portion of this order shall not affect the validity of the remainder thereof.

Section 8. Effective Date. This order is effective immediately and shall remain in effect until rescinded by the Governor; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor of Missouri.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HB 1532**--Pensions and General Laws.

HB 1412--Transportation.

HB 1672--Ways and Means.

HCS for **HB 1556**--Judiciary.

HB 1748--Commerce and Environment.

HS for **HB 1399**--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 969, 673 and 855** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 1026**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 1157**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1095** and **SB 1195**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1232**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1206**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 878**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1060**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1205**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1040**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1133**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 1099**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 739**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, Senator Kenney submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 1105**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Gibbons, Chairman of the Committee on Ways and Means, Senator Kenney submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 735**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, Senator Kenney submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 713**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Terry E. Carlisle, 10294 David Allen Road, Columbia, Boone County, Missouri 65201, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Tadd S. Greenfield, 8108 North Hope Avenue, Kansas City, Platte County, Missouri 64151, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 332.086.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William A. Markland, 103 West Seminary, Armstrong, Howard County, Missouri 65230, as a member of the Missouri Board for Occupational Therapy, for a term ending December 11, 2002, and until his successor is duly appointed and qualified; vice, George Reuter, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Tia Marie Straight, 211 North Garrison, Carthage, Jasper County, Missouri 64836, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2004, and until her successor is duly appointed and qualified; vice, RSMo. 332.086.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Frances E. Tourdot, Route 1, Box 494, Camdenton, Camden County, Missouri 65020, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2005, and until her successor is duly appointed and qualified; vice, RSMo. 332.086.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cynthia A. Webb, 708 North Pine, Cameron, Clinton County, Missouri 64429, as a member of the State Board of Cosmetology, for a term ending July 1, 2004, and until her successor is duly appointed and qualified; vice, J. Darlene Lee, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1407, regarding Skylar Kathleen Gaw, Moberly, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, members of EXCEL Community Leadership, Putnam County.

Senator Childers introduced to the Senate, College of the Ozarks Student Senators: Aaron Schaffner, Benjamin Shelton, Dustin Ward, Natalie Perrigo, Stephanie Wheeler, Dusty Reasons, Ashley Shelangoski, Hillary Bargman, Kara Warner, Rachel Nelson, Gena Kenyon, Josh Watkins, Amy Evans, Shelbi Ketcham, Deborah Hatton, Tiffany Nalley, Casey Guernsey, Kezra Bradford, Christian Woelk, Bud Brooker, Dr. Mark Rapinchuk and Lt. Col. Gary Herchenroeder, Point Lookout.

Senator House introduced to the Senate, his son, Benjamin, St. Charles; and Benjamin was made an honorary page.

On behalf of Senator Steelman and himself, Senator House introduced to the Senate, former State Senator Ralph Uthlaut and 6 members of Farm Bureau Youth Leadership from Montgomery County.

Senator Staples introduced to the Senate, James Sweazea, Rome, Georgia; and James was made an honorary page.

On behalf of Senator Loudon, Senator Kinder introduced to the Senate, the Physician of the Day, Dr. Steve Smith, M.D., St. Louis.

Senator Staples introduced to the Senate, Glydus Gregory and Charlotte and Tom Davis, Mountain View.

Senator Johnson introduced to the Senate, James Baber and members of Farm Bureau Youth Leadership: Tara Gutshall and Sean Miller, Platte County.

Senator Klindt introduced to the Senate, former State Representative Dale Whiteside and members of Farm Bureau Youth Leadership: Kevin Hansen, Matt Wright, Justin Goard, Stephanie James, Jennee Mollohan, Jaryn Jones and Lindy Zelmer, Chillicothe.

Senator Klindt introduced to the Senate, members of Farm Bureau Youth Leadership: Brad Morris, Luke Buhrmester,

Ian Davidson, M. Catheryn Zapp, Brooks Reid, Lisa McLain, Kyle Stark, Chris Feitz, Bridget Collins, Tim Wood and Todd Gibson, Carroll and Putnam Counties.

Senator Foster introduced to the Senate, members of Farm Bureau Youth Leadership: Mike Smody, Erin Orosz, Poplar Bluff; and Erin was made an honorary page.

Senator Cauthorn introduced to the Senate, members of Farm Bureau Youth Leadership: Joni Fields, Amy Dunlap, Amanda Arnett, Sara James, Ashley James, Megan Riechers and Marie Ebbesmeyer, Paris.

Senator Kinder introduced to the Senate, members of Farm Bureau Youth Leadership: David Herbst, Chaffee; Tom Jennings, Sikeston; and Karen James, Marble Hill.

Senator Singleton introduced to the Senate, Greg Ulmer and members of Farm Bureau Youth Leadership: Enoch Doubleddee, Josh Harvey and Jacob Asbett, Jasper County.

Senator Westfall introduced to the Senate, John Sparkman and members of Farm Bureau Youth Leadership: Hope Herd, Beth Parkhurst, Emma Baxter, James Oxenreider and Mark Brown, Greene County.

Senator Cauthorn introduced to the Senate, Bea Erisman and members of Farm Bureau Youth Leadership: Zach Hunt, Boone County; and Jason Robinett, Jenny Gesling, Brent Erisman, Nick Curtis and Brian Vance, Audrain County.

Senator Cauthorn introduced to the Senate, members of Farm Bureau Youth Leadership: Barb Hunziker, Ashley James, David Clark and Kate Wilson, Knox County.

Senator Rohrbach introduced to the Senate, members of Farm Bureau Youth Leadership: George Price, Eldon; Kim Wright, Tuscumbia; Justin Malmberg, Iberia; Aaron Kliethermes, St. Elizabeth; and Dori Wright, Miller County.

Senator Jacob introduced to the Senate, Susan Wheaton and members of Farm Bureau Youth Leadership: Jaron Davis, Tiffany Hackman, Ryan Fuemmeler, Callie Strodtman and Corey Black, Howard County.

Senator Childers introduced to the Senate, 40 seventh and eighth grade students from Taneyville School, Taney County.

Senator Caskey introduced to the Senate, Mike Moreland and members of Farm Bureau Youth Leadership: Vince Bertucci, Harrisonville; Ryan Simms and Jarrod Summers, Pleasant Hill; Kara Sutton, Archie; and Amanda Toomey, Creighton.

Senator Russell introduced to the Senate, Jim Thompson and members of Farm Bureau Youth Leadership: Tyler Morgan, Adam Kimrey, Shawn Morgan, Kahla Waugh, Nicky Amos and Josh Griffin, Lebanon.

Senator Cauthorn introduced to the Senate, members of Farm Bureau Youth Leadership: Tim Fretwell, Alexander Todd and Clint Munzlinger, Lewis County.

Senator Russell introduced to the Senate, David Day, Yvonne Sterling and Sue Bostic, Dixon.

Senator Kennedy introduced to the Senate, his mother, Catherine S. Kennedy, St. Louis; and his sister, Eileen Kennedy Curley and her husband, Ed, Menomonee Falls, Wisconsin.

Senator Johnson introduced to the Senate, 18 students from Life Christian Academy, Kansas City; and Jessica Weaver, Annah Barnett and Seth Parker were made honorary pages.

Senator Steelman introduced to the Senate,

Tim Buechter and members of Farm Bureau Youth Leadership, Vienna.

Senator Rohrbach introduced to the Senate, Bill Hunter, Brad Schad and Chassidy Nation, Versailles; and Angela

Wilson and Forrest Hancock, Stover.

Senator Cauthorn introduced to the Senate, Kathy Chinn and members of Farm Bureau Youth Leadership: Michelle Westhoff, Amber Gill, Gina Eckler and Bruce Vannoy, Shelby County.

On behalf of Senator Loudon, Senator Sims introduced to the Senate, Ms. Leah Meyer and fourth grade students from Carrollton Oaks Elementary School, Bridgeton.

Senator Kinder introduced to the Senate, members of Farm Bureau Youth Leadership, Cape Girardeau and Madison Counties.

Senator Gibbons introduced to the Senate, students from North Glendale Elementary School, Glendale.

Senator Schneider introduced to the Senate, fourth grade students from Brown Elementary School, North St. Louis County; and Rna Whitnah, Marcquis McGee-Smith, Nick Varma and Brittany Ramey were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 10:00 a.m., Friday, April 5, 2002.

SENATE CALENDAR

FORTY-EIGHTH DAY-FRIDAY, APRIL 5, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HCS for HB 1154

HB 1192-Harding and Boucher

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90th)

HB 1432-Foley

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73rd)

HCS for HB 1817

HS for HCS for HB 1877-Foley

HB 1592-Hickey, et al

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73rd)

HS for HCS for HB 1762-Harding

HCS for HB 1689

HB 1851-Curls

HB 1795-Berkowitz, et al THIRD READING OF SENATE BILLS

SS for SCS for SB 840-

Gross

SB 740-Wiggins

SS for SCS for SBs 837,

866, 972 & 990-Cauthorn

(In Budget Control)

SS for SCS for SBs 969,

673 & 855-Westfall

(In Budget Control)

SCS for SBs 894, 975 &

927-Kinder

(In Budget Control) SENATE BILLS FOR PERFECTION

1. SB 1052-Sims, with SCS

2. SB 884-DePasco and

Kenney, with SCS

3. SBs 984 & 985-

Steelman, with SCS

4. SB 1046-Gross and

House, with SCS

5. SB 1103-Westfall, et al

6. SBs 915, 710 & 907-

Westfall, et al, with SCS

7. SBs 923, 828, 876, 694

& 736-Sims, with SCS

8. SB 676-Yeckel, et al,

with SCS

9. SB 900-Goode, et al, with SCS

10. SB 1107-Childers, with

SCS

11. SB 912-Mathewson,
with SCS
12. SB 892-Kenney, with SCS
13. SB 910-Gibbons
14. SB 1104-Mathewson
15. SB 954-Loudon, with SCS
16. SB 1014-Klindt and Kinder
17. SB 1152-Klarich, with SCS
18. SBs 766, 1120 & 1121-
Steelman, with SCS
19. SB 926-Kenney, et al,
with SCS
20. SB 1140-Rohrbach
21. SBs 1112 & 854-Caskey
and Russell, with SCS
22. SB 1111-Quick, with SCS
23. SB 689-Gibbons, et al,
with SCS
24. SB 938-Cauthorn, et al
25. SB 1087-Gibbons, et al, with SCS
26. SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS
27. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2
28. SB 971-Klindt, et al, with SCS
29. SBs 1063 & 827-Rohrbach
and Kenney, with SCS
30. SB 1010-Sims

31. SRB 1236-Rohrbach
32. SB 1026-Kenney, et al, with SCS
33. SB 1157-Klindt, with SCS
34. SBs 1095 & 1195-
Cauthorn, with SCS
35. SB 1232-Singleton
36. SB 1206-Bentley and Stoll
37. SB 878-Sims, with SCS
38. SB 1060-Westfall, with SCS
39. SB 1205-Yeckel
40. SB 1040-Gibbons, et al,
with SCS
41. SB 1133-Gross, with SCS
42. SB 1099-Childers, with
SCS
43. SB 739-Wiggins, with SCS
44. SB 1105-Loudon
45. SB 735-Steelman and
Kinder, with SCS
46. SB 713-Singleton INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 641 & 705-Russell,
et al, with SCS (pending)
- SB 647-Goode, with SCS
- SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS, SS

for SCS & SA 1 (pending)

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder,

with SCS

SB 1005-Loudon

SB 1059-Bentley, et al,

with SCS & SS for SCS

(pending)

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 1115, with SCS

(Russell)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

To be Referred

SCR 60-Kennedy

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds

HCR 7-Boykins and Barry

HS for HCR 15-O'Toole,

et al (DePasco)

SCR 43-Loudon, with SCS

SCR 58-Klarich

HCR 3-Hampton

HCS for HCR 11 (Kinder)

HCR 20-Crump

HCR 21-Boucher and

Kreider

Journal of the Senate

SECOND REGULAR SESSION

FORTY-EIGHTH DAY--FRIDAY, APRIL 5, 2002

The Senate met pursuant to adjournment.

Senator Rohrbach in the Chair.

RESOLUTIONS

On behalf of Senator DePasco, Senator Rohrbach offered Senate Resolution No. 1408, regarding John Joseph Bleyenbergh, Raytown, which was adopted.

On behalf of Senator DePasco, Senator Rohrbach offered Senate Resolution No. 1409, regarding Gary Kemp, Kansas City, which was adopted.

On behalf of Senator Sims, Senator Rohrbach offered Senate Resolution No. 1410, regarding Laura Wibbenmeyer, Ste. Genevieve, which was adopted.

On behalf of Senator Sims, Senator Rohrbach offered Senate Resolution No. 1411, regarding Jessica Williams, St. Louis, which was adopted.

On behalf of Senator Sims, Senator Rohrbach offered Senate Resolution No. 1412, regarding Jamie Wise, DeSoto, which was adopted.

On behalf of Senator Sims, Senator Rohrbach offered Senate Resolution No. 1413, regarding Chelsea Anne Wuellner, St. Louis, which was adopted.

On behalf of Senator Sims, Senator Rohrbach offered Senate Resolution No. 1414, regarding Anne Smith, Florissant, which was adopted.

On behalf of Senator Sims, Senator Rohrbach offered Senate Resolution No. 1415, regarding Desiree Sotomayor, St. Peters, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Rohrbach submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 670** and **684**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1101**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1102**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1103**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1104**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1105**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1106**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1107**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1108**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1109**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1722**, entitled:

An Act to amend chapter 552, RSMo, by adding thereto one new section relating to criminal procedure involving mentally retarded individuals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1779**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1788**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1778**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1789**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1314**, entitled:

An Act to repeal section 301.441, RSMo, and to enact in lieu thereof one new section relating to license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1632**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a fraternal order of police license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1548**, entitled:

An Act to repeal section 191.925, RSMo, and to enact in lieu thereof one new section relating to the newborn hearing screening program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1473**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1781**, entitled:

An Act to repeal section 198.439, RSMo, and to enact in lieu thereof one new section relating to the nursing facility reimbursement allowance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1194**, entitled:

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens on real property by political subdivisions for abatement of dangerous buildings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1518**, entitled:

An Act to repeal section 376.307, RSMo, and to enact in lieu thereof one new section relating to life insurance company investments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1568**, entitled:

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1600**, entitled:

An Act to repeal section 318.100, RSMo, and to enact in lieu thereof one new section relating to licensing

requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1840**, entitled:

An Act to repeal section 105.477, RSMo, and to enact in lieu thereof one new section relating to electronic filing of lobbying reports.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1504**, entitled:

An Act to repeal section 301.448, RSMo, and to enact in lieu thereof one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1852**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1755**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1861**, entitled:

An Act to authorize the conveyance of property owned by the state in the County of St. Francois to the Habitat for Humanity of St. Francois County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1032**, entitled:

An Act to repeal section 191.400, RSMo, and to enact in lieu thereof one new section relating to the state board of health.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1313**, entitled:

An Act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, and 334.670, RSMo, and to enact in lieu thereof ten new sections relating to physical therapists and physical therapist assistants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1862**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates for Rotary International members.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1986**, entitled:

An Act to repeal sections 172.035, 172.037, 174.055, 174.450, 174.453, 174.610, 174.620, 174.621, 175.021, and 175.023, RSMo, and to enact in lieu thereof fifteen new sections relating to certain institutions of higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1196**, entitled:

An Act to repeal section 226.200, RSMo, and to enact in lieu thereof one new section relating to the state highways and transportation department fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1041**, entitled:

An Act to repeal section 94.875, RSMo, and to enact in lieu thereof one new section relating to tourism tax trust funds in certain cities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1953**, entitled:

An Act to repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 197.272, 197.450, and 701.302, RSMo, and to enact in lieu thereof eight new sections relating to various advisory committees for the department of health and senior services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2025**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2123**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1881**, entitled:

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to drivers' licenses for certain individuals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2008**, entitled:

An Act to repeal section 301.550, RSMo, and to enact in lieu thereof one new section relating to powersport dealers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1837**, entitled:

An Act to repeal section 142.028, RSMo, and to enact in lieu thereof one new section relating to the Missouri qualified fuel ethanol producer incentive fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1838**, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to licensure of motor vehicle and watercraft dealers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2047**, entitled:

An Act to repeal section 41.948, RSMo, and to enact in lieu thereof one new section relating to public higher education students called to active military service.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2009**, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to requirements for licensure of motor vehicle dealers, manufacturers, and auctions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1867**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2022**, entitled:

An Act to repeal section 178.870, RSMo, and to enact in lieu thereof one new section relating to increases and decreases of certain tax rates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1969**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2039**, entitled:

An Act to amend chapter 229, RSMo, by adding thereto one new section relating to memorial streets and roads.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2002**, entitled:

An Act to repeal sections 58.260, 58.270, 58.310, 58.330, 58.340, and 58.360, RSMo, and to enact in lieu thereof six new sections relating to coroners inquests.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1643**, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to medical records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2080**, entitled:

An Act to repeal sections 56.363 and 56.807, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits for prosecutors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1537**, entitled:

An Act to repeal section 473.097, RSMo, relating to administration of small estates, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1674**, entitled:

An Act to repeal section 105.661, RSMo, and to enact in lieu thereof one new section relating to public retirement plans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1757**, entitled:

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to Sunday liquor sales by the drink by establishments within an international airport, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1659**, entitled:

An Act to repeal section 488.005, RSMo, and to enact in lieu thereof one new section relating to surcharges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2130**, entitled:

An Act to repeal section 137.495, RSMo, and to enact in lieu thereof one new section relating to tangible personal property listings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2026**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the veterans memorial bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1937**, entitled:

An Act to repeal sections 324.147, 324.150 and 324.171, RSMo, and to enact in lieu thereof three new sections relating to the licensure of clinical perfusionists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1811**, entitled:

An Act to authorize the governor to convey certain described property in the City of St. Louis.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1973**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to economics and personal finance education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2023**, entitled:

An Act to repeal sections 162.961 and 162.962, RSMo, and to enact in lieu thereof two new sections relating to resolution conferences.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2064**, entitled:

An Act to amend chapter 92, RSMo, by adding thereto one new section relating to deeds on real property sold at tax foreclosure sales.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1964**, entitled:

An Act to repeal section 339.010, RSMo, and to enact in lieu thereof one new section relating to the selling of real estate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1085**, entitled:

An Act to repeal sections 242.010, 242.200 and 242.210, RSMo, and to enact in lieu thereof three new sections relating to drainage districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1812**, entitled:

An Act to repeal section 192.323, RSMo, and to enact in lieu thereof one new section relating to the health document services fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1839**, entitled:

An Act to repeal section 233.160, RSMo, and to enact in lieu thereof one new section relating to dissolution of special road districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1776**, entitled:

An Act to repeal section 59.800, RSMo, and to enact in lieu thereof one new section relating to county recorders of

deeds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1636**, entitled:

An Act to repeal section 115.507, RSMo, and to enact in lieu thereof one new section relating to election authority verification boards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1148**, entitled:

An Act to amend chapter 214, RSMo, by adding thereto one new section relating to scattering gardens in certain cemeteries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1645**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Henry Shaw Ozark Corridor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2018**, entitled:

An Act to repeal section 137.245, RSMo, and to enact in lieu thereof one new section relating to tax books for school districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2001**, entitled:

An Act to repeal section 332.327, RSMo, and to enact in lieu thereof one new section relating to the Missouri dental board.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1580**, entitled:

An Act to repeal sections 138.010 and 138.020, RSMo, and to enact in lieu thereof two new sections relating to county boards of equalization.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1982**, entitled:

An Act to repeal section 53.135, RSMo, and to enact in lieu thereof one new section relating to travel expenses for assessors in certain counties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1846**, entitled:

An Act to repeal section 80.210, RSMo, and to enact in lieu thereof one new section relating to boards of trustees of towns and villages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1903**, entitled:

An Act to repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2087**, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to performance contracting for energy efficiency projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1955**, entitled:

An Act to repeal section 595.209, RSMo, and to enact in lieu thereof one new section relating to victims' rights.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1701**, entitled:

An Act to repeal sections 376.951, 376.952, 376.955, and 376.957, RSMo, and to enact in lieu thereof nine new sections relating to long-term care insurance, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2117**, entitled:

An Act to repeal section 191.863, RSMo, and to enact in lieu thereof one new section relating to the assistive technology advisory council.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1110**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1,

2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1111**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1112**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2032**, entitled:

An Act to repeal section 302.321, RSMo, and to enact in lieu thereof one new section relating to driving while revoked.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2062**, entitled:

An Act to repeal sections 302.010, 302.304, 302.525, 302.535, 302.540, and 577.041, RSMo, and to enact in lieu thereof six new sections relating to restricted driving privilege.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1921**, entitled:

An Act to repeal section 370.120, RSMo, and to enact in lieu thereof one new section relating to the authority of the director of the division of credit unions to examine certain credit unions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1803**, entitled:

An Act to repeal section 370.061, RSMo, and to enact in lieu thereof one new section relating to the credit union commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1635**, entitled:

An Act to repeal section 393.130, RSMo, and to enact in lieu thereof one new section relating to water corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1890**, entitled:

An Act to repeal sections 32.087 and 144.190, RSMo, and to enact in lieu thereof three new sections relating to the sales tax and refund procedures related to mobile telecommunications services, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2120**, entitled:

An Act to repeal section 570.020, RSMo, and to enact in lieu thereof one new section relating to the method of ascertaining the value of property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1715**, entitled:

An Act to repeal section 476.753, RSMo, and to enact in lieu thereof one new section relating to interpreters for the hearing impaired.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rohrbach, the Senate adjourned until 2:00 p.m., Monday, April 8, 2002.

SENATE CALENDAR

FORTY-NINTH DAY-MONDAY, APRIL 8, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1154

HB 1192-Harding and Boucher

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90)

HB 1432-Foley

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73)

HCS for HB 1817

HS for HCS for HB 1877-Foley

HB 1592-Hickey, et al

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73)

HS for HCS for HB 1762-

Harding

HCS for HB 1689

HB 1851-Curls

HB 1795-Berkowitz, et al

HCS for HB 1101

HCS for HB 1102

HCS for HB 1103

HCS for HB 1104

HCS for HB 1105

HCS for HB 1106

HCS for HB 1107

HCS for HB 1108

HCS for HB 1109

HB 1722-Hosmer and Britt

HB 1779-Green (73)

HB 1788-Ross, et al

HB 1778-Monaco

HB 1789-Ross, et al

HB 1314-Mays (50) and

Burton

HB 1632-O'Connor

HB 1548-Barry

HB 1473-Green (15), et al

HB 1781-Green (73) and

Ladd Baker

HB 1194-Gambaro

HB 1518-Luetkenhaus

HB 1568-Luetkenhaus

HB 1600-Treadway

HB 1840-Seigfreid

HB 1504-Liese

HB 1852-Villa

HB 1755-Meredith, et al

HB 1861-Burcham

HB 1032-Portwood

HB 1313-Burton

HB 1862-May (149), et al

HB 1986-Hosmer, et al

HB 1196-Barnett, et al

HB 1041-Myers

HB 1953-Van Zandt, et al

HB 2025-Walton, et al

HB 2123-Barry, et al

HB 1881-Rizzo

HB 2008-O'Connor

HB 1837-Berkowitz, et al

HB 1838-Hosmer

HB 2047-Ransdall, et al

HB 2009-O'Connor

HB 1867-Griesheimer

HB 2022-Richardson

HB 1969-Reid

HB 2039-Kreider

HB 2002-Farnen and Naeger

HB 1643-Holand and Barry

HB 2080-Britt, et al

HB 1537-Clayton

HB 1674-O'Toole and Dempsey

HB 1757-George, et al

HB 1659-Kelly (27)

HB 2130-Boykins, et al

HB 2026-Green (15), et al

HB 1937-Barry

HB 1811-Gambaro

HB 1973-Bowman

HB 2023-Franklin

HB 2064-Walton, et al

HB 1964-Gambaro

HB 1085-Mays (50)

HB 1812-Riback Wilson

HB 1839-Seigfreid

HB 1776-Harlan

HB 1636-Hoppe

HB 1148-Ross

HB 1645-Greisheimer

HB 2018-Bartle, et al

HB 2001-Hegeman, et al

HB 1580-Barnett

HB 1982-Richardson

HB 1846-Scott

HB 1903-Liese

HB 2087-Whorton, et al

HB 1955-Hilgemann, et al

HB 1701-Luetkenhaus and Ward

HB 2117-Boucher

HCS for HB 1110

HCS for HB 1111

HCS for HB 1112

HB 2032-Hosmer

HB 2062-Hosmer, et al

HB 1921-Green (73)

HB 1803-Green (73)

HB 1635-Hoppe

HB 1890-Hilgemann, et al

HB 2120-Ridgeway and

Hosmer

HB 1715-Moore, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 840-Gross

SB 740-Wiggins

SS for SCS for SBs 837, 866,

972 & 990-Cauthorn

(In Budget Control)

SS for SCS for SBs 969, 673

& 855-Westfall

(In Budget Control)

SCS for SBs 894, 975 &

927-Kinder

(In Budget Control)

SS for SCS for SBs 670 &
684-Sims

SENATE BILLS FOR PERFECTION

1. SB 1052-Sims, with SCS
2. SB 884-DePasco and
Kenney, with SCS
3. SBs 984 & 985- Steelman,
with SCS
4. SB 1046-Gross and
House, with SCS
5. SB 1103-Westfall, et al
6. SBs 915, 710 & 907-
Westfall, et al, with SCS
7. SBs 923, 828, 876, 694
& 736-Sims, with SCS
8. SB 676-Yeckel, et al,
with SCS
9. SB 900-Goode, et al,
with SCS
10. SB 1107-Childers, with
SCS
11. SB 912-Mathewson, with
SCS
12. SB 892-Kenney, with SCS
13. SB 910-Gibbons
14. SB 1104-Mathewson
15. SB 954-Loudon, with SCS

16. SB 1014-Klindt and Kinder
17. SB 1152-Klarich, with SCS
18. SBs 766, 1120 & 1121-
Steelman, with SCS
19. SB 926-Kenney, et al,
with SCS
20. SB 1140-Rohrbach
21. SBs 1112 & 854-Caskey
and Russell, with SCS
22. SB 1111-Quick, with SCS
23. SB 689-Gibbons, et al,
with SCS
24. SB 938-Cauthorn, et al
25. SB 1087-Gibbons, et al,
with SCS
26. SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS
27. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2
28. SB 971-Klindt, et al, with SCS
29. SBs 1063 & 827-Rohrbach
and Kenney, with SCS
30. SB 1010-Sims
31. SRB 1236-Rohrbach
32. SB 1026-Kenney, et al, with SCS
33. SB 1157-Klindt, with SCS
34. SBs 1095 & 1195-

Cauthorn, with SCS

35. SB 1232-Singleton

36. SB 1206-Bentley and Stoll

37. SB 878-Sims, with SCS

38. SB 1060-Westfall, with SCS

39. SB 1205-Yeckel

40. SB 1040-Gibbons, et al,
with SCS

41. SB 1133-Gross, with SCS

42. SB 1099-Childers, with SCS

43. SB 739-Wiggins, with SCS

44. SB 1105-Loudon

45. SB 735-Steelman and
Kinder, with SCS

46. SB 713-Singleton

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,
with SCS (pending)

SB 647-Goode, with SCS

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 688, 663, 691, 716, 759,

824 & 955-Gibbons, et al, with

SCS, SS for SCS & SA 1 (pending)

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder, with SCS

SB 1005-Loudon

SB 1059-Bentley, et al,

with SCS & SS for SCS

(pending)

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 1115, with SCS

(Russell)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

To be Referred

SCR 60-Kennedy

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds

HCR 7-Boykins and Barry

HS for HCR 15-O'Toole,

et al (DePasco)

SCR 43-Loudon, with SCS

SCR 58-Klarich

HCR 3-Hampton

HCS for HCR 11 (Kinder)

HCR 20-Crump (Staples)

HCR 21-Boucher and Kreider

Journal of the Senate

SECOND REGULAR SESSION

FORTY-NINTH DAY--MONDAY, APRIL 8, 2002

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"And that very night the Lord appeared to him and said, "I am the God of your father Abraham.'" (Genesis 26:23)

Lord God, as You spoke to Your servant Isaac, speak plainly to us so we, too, may hear Your voice and experience Your love and caring for us. Teach us to love others as You love us and do those things that express that love in concrete ways. And we would pray for Mary Lois Slanker at the death of her husband, Danny. Bless her and her family with Your comforting presence and grace during this time of grief. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, April 4, 2002, and Friday, April 5, 2002, were read and approved.

Senator Singleton assumed the Chair.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Dougherty--1

Senator Klarich assumed the Chair.

REMONSTRANCES

Senator Caskey offered the following remonstrance, which was read:

SENATE REMONSTRANCE NO. 1

WHEREAS, the Missouri General Assembly, in 1987, took up and passed Senate Bill 74, the Domestic Product Procurement Act (Buy American), which was designed to ensure that most purchases and leases of manufactured goods or commodities obtained by public agencies be manufactured

or produced in the United States; and

WHEREAS, Missouri is the number two auto-producing state in the nation, with plants representing the three major American auto manufacturers located here; and

WHEREAS, The Missouri auto industry employs more than 33,400 people, some 18,200 of which are employed in the assembly of motor vehicles in one of the big three auto plants located in the St. Louis and Kansas City areas, and who earn more than \$410 million annually; and

WHEREAS, the Missouri Department of Transportation (MODOT) chose to purchase a total of 18 Toyota Priuses in apparent violation of state law; and

WHEREAS, the State Attorney General advised MODOT in February of this year that it should walk away from the deal with Toyota because it appeared to violate the Domestic Product Procurement Act; and

WHEREAS, the appointed MODOT Commission was not formally apprised of this decision to purchase these foreign cars by departmental staff because, according to staff, the only approval the Commission needed to give was when it approved the department's budget; and

WHEREAS, this attitude by MODOT staff toward the Commission, which is constitutionally assigned the responsibility of overseeing the operations of MODOT, appears to be condescending and bordering on insubordination; and

WHEREAS, in the wake of the tragic events of September 11, 2001, CNN Headline News announced the contributions of various automobile companies to the relief effort, including: Ford - \$1 million to American Red Cross matching employee contributions of the same number, plus 10 Excursions to the New York Fire Department, as well as ER response team services and office space to displaced government employees; General Motors - \$1 million to Red Cross matching employee contributions of the same number, plus a fleet of vans, suvs and trucks; and Daimler-Chrysler - \$10 million to support of the children and victims of the attack; and

WHEREAS, in the same CNN Headline News report, Toyota's contribution in response to the attacks was listed as "zero" despite claims of high sales in July and August 2001; however, condolences were posted on the website:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Senate herewith remonstrates against the staff at MODOT which authorized these expenditures, particularly Director Henry Hungerbeeler, who has shown no remorse for his decision made without direct authorization from the MODOT Commission, for its cumulative failure to obey the laws of this state and to exercise proper and logical judgment while spending valuable tax dollars; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to Director Hungerbeeler to be placed on display at a prominent location so that the department employees and the public may review its content and may modify future actions accordingly.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1416, regarding the North Newstead Association of St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1417, regarding Representative Amber "Holly" Boykins, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1418, regarding Earl J. Ogolin, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1419, regarding the One Hundred Twenty-fifth Anniversary of The Catholic Knights of America, which was adopted.

Senator Kenney offered Senate Resolution No. 1420, regarding Andrew W. Morton, Lee's Summit, which was adopted.

Senator Yeckel offered Senate Resolution No. 1421, regarding Andrew Phillip Conrad, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1422, regarding Indian Rasoi Restaurant and Curry in a Hurry restaurants, St. Louis, which was adopted.

Senator Foster offered Senate Resolution No. 1423, regarding H. H. (Bud) White, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1424, regarding Lindsay Elizabeth Brown, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1425, regarding Corey Jackson Brown, Poplar Bluff, which was adopted.

Senator Staples offered Senate Resolution No. 1426, regarding the death of Leslie Lee Copeland, Jr., Park Hills, which was adopted.

Senator Staples offered Senate Resolution No. 1427, regarding Rickie Steven Politte, Jr., Arcadia, which was adopted.

Senator Staples offered Senate Resolution No. 1428, regarding Motorcycle Awareness Month, which was adopted.

Senator Staples offered Senate Resolution No. 1429, regarding Bryan Joseph Secoy, Doe Run, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 840**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 840

An Act to repeal sections 516.097 and 537.600, RSMo, relating to certain tort actions, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Gross, **SS** for **SCS** for **SB 840** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Coleman--1		
	Absent with leave--Senators		
Dougherty	Schneider--2		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 740, introduced by Senator Wiggins, entitled:

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.606, 454.609, 454.615, 454.618, 454.627 and 454.700 RSMo, and to enact in lieu thereof forty-six new sections relating to the uniform child custody jurisdiction act, with an emergency clause.

Was taken up.

On motion of Senator Wiggins, **SB 740** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Coleman--1			
Absent with leave--Senators			
Dougherty	Schneider--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Jacob--2		
Absent with leave--Senators			
Dougherty	Schneider--2		

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Senator Gross assumed the Chair.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 670** and **684** to the Committee on State Budget Control.

President Pro Tem Kinder referred **SCR 60** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1101**--Appropriations.

HCS for **HB 1102**--Appropriations.

HCS for **HB 1103**--Appropriations.

HCS for **HB 1104**--Appropriations.

HCS for **HB 1105**--Appropriations.

HCS for **HB 1106**--Appropriations.

HCS for **HB 1107**--Appropriations.

HCS for **HB 1108**--Appropriations.

HCS for **HB 1109**--Appropriations.

HCS for **HB 1110**--Appropriations.

HCS for **HB 1111**--Appropriations.

HCS for **HB 1112**--Appropriations.

HB 1779--Transportation.

HB 1788--Transportation.

HB 1778--Transportation.

HB 1789--Transportation.

HB 1314--Transportation.

HB 1632--Transportation.

HB 1852--Transportation.

HB 1755--Transportation.

HB 1645--Transportation.

HB 2032--Transportation.

HB 2062--Transportation.

HB 2026--Transportation.

HB 1969--Transportation.

HB 1867--Transportation.

HB 2025--Transportation.

HB 2123--Transportation.

HB 1504--Transportation.

HB 1862--Transportation.

HB 1196--Transportation.

HB 2008--Commerce and Environment.

HB 1838--Commerce and Environment.

HB 2009--Commerce and Environment.

HB 1757--Commerce and Environment.

HB 1085--Commerce and Environment.

HB 1635--Commerce and Environment.

HB 1964--Commerce and Environment.

HB 1194--Local Government and Economic Development.

HB 1041--Local Government and Economic Development.

HB 2039--Local Government and Economic Development.

HB 1811--Local Government and Economic Development.

HB 1839--Local Government and Economic Development.

HB 2018--Local Government and Economic Development.

HB 1982--Local Government and Economic Development.

HB 1846--Local Government and Economic Development.

HB 1861--Local Government and Economic Development.

HB 1518--Insurance and Housing.

HB 1568--Insurance and Housing.

HB 1903--Insurance and Housing.

HB 1701--Insurance and Housing.

HB 1473--Insurance and Housing.

HB 1600--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1840--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1032--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1313--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1937--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1776--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1636--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 2001--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1921--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1803--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1881--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 2117--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1722--Judiciary.

HB 1537--Judiciary.

HB 1955--Judiciary.

HB 1715--Judiciary.

HB 1659--Judiciary.

HB 2080--Pensions and General Laws.

HB 1674--Pensions and General Laws.

HB 2047--Education.

HB 2022--Education.

HB 1973--Education.

HB 2023--Education.

HB 1986--Education.

HB 1548--Aging, Families and Mental Health.

HB 1781--Aging, Families and Mental Health.

HB 1812--Aging, Families and Mental Health.

HB 2120--Civil and Criminal Jurisprudence.

HB 1643--Public Health and Welfare.

HB 1953--Public Health and Welfare.

HB 2002--Local Government and Economic Development.

HB 2130--Local Government and Economic Development.

HB 2064--Local Government and Economic Development.

HB 1148--Local Government and Economic Development.

HB 1580--Local Government and Economic Development.

HB 1890--Pensions and General Laws.

RE-REFERRALS

President Pro Tem Kinder re-referred **HB 1556** to the Committee on Commerce and Environment.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 647**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 647**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 647

An Act to repeal sections 210.104, 210.107 and 307.178, RSMo, relating to child safety restraints, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up.

Senator Goode moved that **SCS** for **SB 647** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 647, Page 3, Section 307.179, Line 14, by striking "person" and insert in lieu thereof "**driver**"; and further amend line 16 by striking "person" and insert in lieu thereof "**driver**"; and

Further amend said bill and section, page 4, line 28, by striking "person" and insert in lieu thereof "**driver**"; and further amend line 30, by striking "person" and insert in lieu thereof "**driver**"; and further amend line 32, by striking "person" and insert in lieu thereof "**driver**".

Senator Goode moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 647, Page 4, Section 307.179, Lines 28-35, by deleting said lines and renumber remaining subsections accordingly.

Senator Klarich moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Klindt, Singleton and Westfall.

SSA 1 for **SA 1** was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Steelman--16
	NAYS--Senators		
Bland	Coleman	Goode	Johnson
Mathewson	Quick	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--13			
	Absent--Senators		
DePasco	Jacob	Russell--3	
	Absent with leave--Senators		
Dougherty	Schneider--2		

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 647, Page 4, Section 307.179, Line 38, by deleting the words "for rental of" on said line.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 647, Page 4, Section 307.179, Lines 42-55, by deleting said lines.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 647, Page 3, Section 307.179, Line 14, by deleting the word "sixteen" on said line, and replace in lieu thereof the word "eight".

Senator Klarich moved that the above amendment be adopted, which motion failed.

At the request of Senator Goode, **SB 647**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Bentley moved that **SB 1059**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Yeckel offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 4, Section 160.051, Line 13 of said page, by inserting immediately after said line the following:

"160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

2. The assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

5. The score on any assessment test developed pursuant to this section or this chapter of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language.

6. The state board of education shall identify one or more preexisting developmentally appropriate alternate assessments for students who receive special educational services, as that term is defined pursuant to section 162.675, RSMo. Students with disabilities who are not able to participate in the general assessment as determined by the student's individualized education program teams and who either:

(1) Function at an academic level at least four grade levels below that student's level on the general assessment based on the student's age; or

(2) Possess an Intelligence Quotient (IQ) between fifty and seventy;

shall be eligible to participate in the alternative standardized assessment.

7. The alternative standardized assessment shall utilize assessment tools that are standardized for the listed population as provided in subsection 6 of this section. A school district or a special school district wishing to utilize an alternative standardized assessment shall submit a written proposal for approval to the department of elementary and secondary education delineating the alternative standardized assessment such school district aspires to utilize. The department of elementary and secondary education must respond to the written proposal submitted by such district within sixty calendar days. The primary skill area to be assessed by the alternative standardized assessment shall be independent living skills, which includes how effectively the student addresses common life demands and how well the student meets standards for personal independence expected for someone in the student's age group, sociocultural background, and community setting."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 15, Section 161.092, Line 13 of said page, by inserting after the word "state," the following: **"including provisional certification to a person with more than five years teaching experience in that curriculum area and approximate grade level in another state, and permit full certification upon the satisfactory completion of five years teaching in Missouri public schools,".**

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 166.260, Line 17 of said page, by inserting after all of said line the following:

"Section 1. In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of section 137.073, RSMo, as if its tax rate were at the tax rate ceiling."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Bentley raised the point of order that **SA 8** is out of order in that it goes beyond the scope and purpose of the underlying legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Foster offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 8, Section 160.720, Line 29 of said page, by inserting at the end of said line the following: "**The department of elementary and secondary education shall endeavor to identify waivers of administrative rule that result in a meaningful reduction in administrative burden on the districts recognized in this section.**".

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 2, Section 160.011, Line 22 of said page, by inserting after all of said line the following:

"(8) "Rural school district", any school district which:

(a) Contains any portion of a county of the third classification or any portion of a county of the fourth classification, or both;

(b) Has a current assessed valuation which is less than thirty million dollars; and

(c) Has a current membership which is less than or equal to six hundred pupils;"; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 18, Section 166.260, Line 17 of said page, by inserting immediately after said line the following:

"168.225. 1. The state board of education shall establish a program of signing bonuses for newly-hired teachers in rural school districts. A signing bonus of two thousand dollars shall be given each year of the five-year period commencing in the school year in which the teacher is a newly-hired teacher, provided that the teacher satisfies all eligibility requirements established pursuant to this section.

2. Any signing bonus received pursuant to this section shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the signing bonus shall receive any pay and benefits received by teachers of similar training, experience, and duties. The signing bonus shall be provided no later than one month following the commencement of employment as a newly-hired teacher.

3. Signing bonuses authorized pursuant to this section shall be paid only during those school years in which the teacher is employed with a rural school district in a full-time teaching position.

4. As used in this section, the term "newly-hired teacher" shall mean a teacher employed by a rural school district in the current school year with employment beginning no later than February first in a full-time teaching capacity and employed for the first time in such capacity by that rural school district in the current school year and shall not include any substitute teacher nor any teacher who has been a newly-hired teacher in a previous school year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion failed.

Senator Yeckel offered **SA 11:**

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 166.260, Line 17, by inserting after all of said line, the following:

"Section 1. 1. No measure of "adequate yearly progress", as such term is defined in Section 1111(b) of the federal No Child Left Behind Act which was adopted in 2002 as H.R. 1 or any regulations promulgated thereunder, shall be adopted by the department of elementary and secondary education or the state board of education or otherwise go into effect unless and until such measure has been approved by the General Assembly.

2. The department of elementary and secondary education and the state board of education shall not submit an initial plan for implementation of federal requirements under Section 1111(b) of the federal No Child Left Behind Act which was adopted in 2002 as H.R. 1 that anticipates the development and submission to the United States Department of Education of a measure of adequate yearly progress prior to the earlier of (i) the close of the regular session of the General Assembly in 2003, or (ii) the date required for such a submission pursuant to duly adopted regulations promulgated by the United States Department of Education.";

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 12:**

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 166.260, Line 17, by inserting after all of said line, the following:

"168.400. 1. Sections 168.400 to 168.415 shall be known and may be cited as the "Missouri Professional Teacher and Administrator Act". This section shall become effective September 1, 1988, and shall establish programs for the following public school personnel:

- (1) The preservice teacher or student in training;
- (2) The beginning teacher;
- (3) The practicing teacher; and
- (4) The administrator.

2. Preservice teacher programs established under this section shall include, but need not be limited to, the following provisions:

(1) A program of entry-level testing of all prospective teacher education students shall be established at all colleges and universities offering approved teacher education programs and, with the advice of the advisory council as provided in section 168.015, shall be administered by the commissioner of education, who shall cause the department of elementary and secondary education to develop or select such tests to establish abilities necessary to receive a satisfactory rating, and to establish procedures for the administering of the test;

(2) The entry-level tests developed under this subsection shall include, but need not be limited to, an examination of basic oral and written communication skills and of basic mathematics skills, and may include both oral and written examinations;

(3) Each prospective teacher education student shall be required to obtain a satisfactory rating prior to admission into the approved teacher education program;

(4) The department of elementary and secondary education, with the advice of the advisory council as provided in section 168.015, shall establish and monitor exit requirements from approved teacher education programs which shall be met by all preservice teacher education students seeking certification in Missouri, and specific criteria for a preservice teacher assessment that all candidates for certification shall meet. The preservice teacher assessment established under this subdivision shall include, but need not be limited to, classroom achievement, practice teaching evaluation and observation, successful participation in assessment centers, interviews, tests and other evaluation measures. **The department of elementary and secondary education shall promulgate rules to allow all preservice teacher education students who have been employed for at least two years as teacher assistants to utilize their teacher assistant experience to bypass the practice teaching evaluation and observation process. These rules shall allow the certified teacher working with the teacher assistant to observe and evaluate the teacher assistants practice teaching. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.** The preservice teacher assessment shall be reviewed by the certifying authority prior to issuance of a certificate. An unsatisfactory assessment shall result in the nonissuance of a certificate. Persons who are aggrieved by the nonissuance of a certificate may appeal such nonissuance in the manner provided in section 168.071. Any costs associated with the entry-level tests or the exit requirements established under this subsection shall be borne by each institution and costs defrayal included in the incidental fees charged to the student.

3. Each approved teacher education program shall require the faculty teaching preservice teacher education courses to further their professional development through direct personal involvement in the public schools in grades kindergarten through twelve on a periodic basis. As used in this subsection, the term "faculty" shall include, but need not be limited to, full- and part-time classroom instructors, and supervisors of practice teaching at institutions offering an approved teacher education program.

4. Beginning teacher assistance programs established under this section shall include, but need not be limited to, the following provisions:

(1) Such programs shall require each school district to provide a plan of professional development for the first two years of teaching for any teacher who does not have prior teaching experience. The professional development plan shall include assistance from a professional development committee, which is hereby established in each school district, which committee shall work with beginning teachers and experienced teachers in identifying instructional concerns and remedies; serve as a confidential consultant upon a teacher's request; assess faculty needs and develop in-service opportunities for school staff; and present to the proper authority faculty suggestions, ideas and recommendations pertaining to classroom instruction within the school district. The members of each professional development committee shall be selected by the teachers employed by the school district in question. The professional development plan may include guidance from a district-designated faculty member employed at a grade level

comparable to the instructional grade level of the beginning teacher, and such other forms of assistance which the school district may choose to offer. The professional development committee may apply to the state board of education for a grant, which shall be in addition to any state aid provided to the committee for activities identified in this subdivision. The grant thus awarded shall be used by the committee to provide in-service training to the teachers of the district on teaching children identified as at risk of failing in school as defined in section 167.273. The department of elementary and secondary education shall provide resource materials and assist the committee if such assistance is requested;

(2) Such programs shall include assistance from the teacher education program which provided the teacher's training if such training was provided in a Missouri college or university. Such

assistance from the college or university may include retraining, internships, counseling, and in-service training.

5. The practicing teacher assistance programs established under this section shall include, but need not be limited to, programs of professional development and improvement as provided for experienced teachers by the professional development committee established under subsection 4 of this section, and in-service opportunities as provided by the local school district for all practicing teachers.

6. (1) The administrator assistance programs established under this section shall include, but shall not be limited to, programs of professional development and improvement for superintendents, principals, assistant principals, and other school district personnel charged with administrative duties.

(2) Establishment of programs by local districts and organizations for the training of school board members are encouraged and recommended."; and

Further amend title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 166.260, Line 17, by inserting immediately after said line the following:

"168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; [or]

(3) By the state board, pursuant to rules promulgated by the board, to any individual who presents to the state board a valid baccalaureate degree or master's degree in chemistry, biology, physics, mathematics, computer science or medicine from an accredited institution of higher education accredited by a national or regional

accrediting association and documentation of at least five years of work experience. Such certificate shall be limited to subject areas which include the applicant's major and other significant areas of undergraduate or graduate study and work experience, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or

(4) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed

a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Westfall offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 14, Section 160.720, Line 9 of said page, by inserting after all of said line the following:

"11. In any school year in which the school funding formula contained in subsection 6 of section 163.031, RSMo, has a proration factor on line 1(b) of less than .95, the provisions of subsections 2 to 9 of this section relating to priority schools and priority school districts shall not be enforced. For any school year in which the above referenced funding of the school aid formula appears to be in doubt after all appropriations bills are truly agreed and finally passed, the house budget chair and the senate appropriations chair shall send a joint letter to the commissioner of education by August first, notifying the department of elementary and secondary education of the likelihood of less than the above referenced funding and requesting that the department not enforce subsections 2 to 9 of this section unless and until the department's calculations for the first "live" school aid payment of the school year show that the formula will have a proration factor on line 1(b) of no less than .95."

Senator Westfall moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Cauthorn, Childers and Russell.

SA 14 failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Childers	Foster	Gibbons
Kenney	Kinder	Klarich	Klindt
Loudon	Russell	Steelman	Westfall
Yeckel--13			
NAYS--Senators			
Bentley	Bland	Caskey	Coleman
DePasco	Goode	Gross	House
Jacob	Johnson	Kennedy	Mathewson
Quick	Rohrbach	Schneider	Sims
Singleton	Staples	Stoll	Wiggins--20
Absent--Senators--None			
Absent with leave--Senator Dougherty--1			

Senator Bland offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 9, Section 160.720, Line 22

of said page, by striking the word "and" ; and further amend line 25 of said page, by inserting immediately after "160.522" the following: "; and

(4) The school boards of each district shall annually review the school discipline provisions contained in section 160.261, and sections 167.023, 167.026, 167.117, 167.161 to 167.171 and 167.335, RSMo, and ensure that the district's discipline policies are consistent with the above listed sections."

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Bentley moved that **SS** for **SCS** for **SB 1059**, as amended, be adopted, which motion prevailed.

On motion of Senator Bentley, **SS** for **SCS** for **SB 1059**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1430, regarding David Allen Hackett, Lone Jack, which was adopted.

Senator Kenney offered Senate Resolution No. 1431, regarding Jim Rome, which was adopted.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1115** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1115**: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deborah L. Gerecke, R.D.H., 2164 Litz Boulevard, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2007, and until her successor is duly appointed and qualified; vice, RSMo. 332.086.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerry W. Milbourn, 9910 JJ Highway, St. Joseph, Buchanan County, Missouri 64504, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending May 31, 2005, and until

his successor is duly appointed and qualified; vice, Toby Bottom, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Glen and Ronda Uthe, and children, Cheyenne, Cary and Jared Uthe and T.J. and Christopher Little, Altamont.

Senator Wiggins introduced to the Senate, David Glass, owner of the Kansas City Royals and Dan Glass, President of the Kansas City Royals.

Senator House introduced to the Senate, his father, Keith House, Fayette.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTIETH DAY-TUESDAY, APRIL 9, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HCS for HB 1154

HB 1192-Harding and Boucher

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90)

HB 1432-Foley

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-Green (73)

HCS for HB 1817

HS for HCS for HB 1877-Foley

HB 1592-Hickey, et al

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-Riback Wilson

HS for HB 1496-Green (73)

HS for HCS for HB 1762-

Harding

HCS for HB 1689

HB 1851-Curls

HB 1795-Berkowitz, et al

HB 1837-Berkowitz, et al

HB 2087-Whorton, et al

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,

866, 972 & 990-Cauthorn

(In Budget Control)

SS for SCS for SBs 969,

673 & 855-Westfall

(In Budget Control)

SCS for SBs 894, 975 &

927-Kinder

(In Budget Control)

SS for SCS for SBs 670

& 684-Sims

(In Budget Control) SENATE BILLS FOR PERFECTION

1. SB 1052-Sims, with SCS

2. SB 884-DePasco and

Kenney, with SCS

3. SBs 984 & 985-

Steelman, with SCS

4. SB 1046-Gross and

House, with SCS

5. SB 1103-Westfall, et al

6. SBs 915, 710 & 907-

Westfall, et al, with SCS

7. SBs 923, 828, 876, 694

& 736-Sims, with SCS

8. SB 676-Yeckel, et al,

with SCS

9. SB 900-Goode, et al,

with SCS

10. SB 1107-Childers, with SCS

11. SB 912-Mathewson, with SCS

12. SB 892-Kenney, with SCS

13. SB 910-Gibbons

14. SB 1104-Mathewson

15. SB 954-Loudon, with SCS

16. SB 1014-Klindt and Kinder

17. SB 1152-Klarich, with SCS

18. SBs 766, 1120 & 1121-

Steelman, with SCS

19. SB 926-Kenney, et al,

with SCS

20. SB 1140-Rohrbach

21. SBs 1112 & 854-Caskey

and Russell, with SCS

22. SB 1111-Quick, with SCS

23. SB 689-Gibbons, et al,

with SCS

24. SB 938-Cauthorn, et al

25. SB 1087-Gibbons,

et al, with SCS

26. SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS

27. SB 1248-Mathewson and

Kenney, with SCAs 1 & 2

28. SB 971-Klindt, et al,

with SCS

29. SBs 1063 & 827-Rohrbach

and Kenney, with SCS

30. SB 1010-Sims

31. SRB 1236-Rohrbach

32. SB 1026-Kenney, et al,

with SCS

33. SB 1157-Klindt, with SCS

34. SBs 1095 & 1195-

Cauthorn, with SCS

35. SB 1232-Singleton

36. SB 1206-Bentley and Stoll

37. SB 878-Sims, with SCS

38. SB 1060-Westfall, with

SCS

39. SB 1205-Yeckel

40. SB 1040-Gibbons, et al,

with SCS

41. SB 1133-Gross, with SCS

42. SB 1099-Childers, with
SCS

43. SB 739-Wiggins, with SCS

44. SB 1105-Loudon

45. SB 735-Steelman and
Kinder, with SCS

46. SB 713-Singleton

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,
with SCS (pending)

SB 647-Goode, with SCS (pending)

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)

SB 668-Bentley, with SS & SA 1 (pending)

SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS, SS

for SCS & SA 1 (pending)

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder,

with SCS

SB 1005-Loudon

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS

(Russell)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1

HCR 5-Reynolds

HCR 7-Boykins and Barry

HS for HCR 15-O'Toole,
et al (DePasco)

SCR 43-Loudon, with SCS

SCR 58-Klarich

HCR 3-Hampton (Steelman)

HCS for HCR 11 (Kinder)

HCR 20-Crump (Staples)

HCR 21-Boucher and
Kreider

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY--TUESDAY, APRIL 9, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"All progress has resulted from people who took unpopular positions." (Adlai E. Stevenson)

Almighty God, we thank You for being with us as we realize that many times in order to do the right thing we often find ourselves at odds with others. Grant us the strength and love to follow where You are directing our hearts and minds and allow us to effectively do what we must. And we pray for Representative Tom Dempsey's mother, Peggy, who underwent heart surgery yesterday and we ask for Your healing presence and power to flow through her body, restoring her to full health. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1432, regarding Frank Cummings, Metairie, Louisiana, which was adopted.

Senator Gross offered Senate Resolution No. 1433, regarding Thomas R. Hughes, O'Fallon, which was adopted.

Senator Gross offered Senate Resolution No. 1434, regarding the O'Fallon Community News, O'Fallon, which was

adopted.

Senator Gross offered Senate Resolution No. 1435, regarding Charles Michael "Mick" Ostrander, O'Fallon, which was adopted.

Senator Gross offered Senate Resolution No. 1436, regarding Dr. R. James Ottomeyer III, DC, NMD, O'Fallon, which was adopted.

Senator DePasco offered Senate Resolution No. 1437, regarding Dr. Douglas G. Hatridge, Ed.D., Independence, which was adopted.

Senator Kennedy offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1438

WHEREAS, the Missouri Senate takes great pride in the attainments of Show-Me State school districts which have demonstrated an exceptional level of student achievement; and

WHEREAS, the Affton 101 School District in St. Louis County was given well-deserved accolades for "Distinction in Performance" by the Missouri Department of Elementary and Secondary Education at a Recognition Dinner on Thursday, March 14, 2002, hosted by the St. Louis Regional Professional Development Center and Cooperating School Districts at the Junior League of St. Louis; and

WHEREAS, one of seventeen St. Louis metropolitan area school districts earning this prestigious honor from the Missouri Department of Elementary and Secondary Education, the Affton School District educates more than twenty-six hundred students through the efforts of nearly two hundred certificated staff divided between two elementary schools, one middle school, and one high school; and

WHEREAS, the Distinction in Performance Award recognizes school districts with high or improved performance based upon Annual Performance Report (APR) information; and

WHEREAS, criteria for this impressive Department of Elementary and Secondary Education recognition are for K-8 districts to meet five of six possible Performance Indicators, K-12 districts to meet eleven of twelve possible Performance Indicators, and all districts to meet each MAP Performance Standard; and

WHEREAS, the Affton School District has risen to exceptional distinction among Missouri school districts for the leadership of its administration, the concern and involvement of its teachers, and the heartfelt commitment and diligence of its students:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the effective programming and stellar goals illustrated by the educational labors of the Affton School District and to convey this legislative body's heartiest congratulations and best wishes to all of the District's leaders, faculty, students, and parents upon its selection for special "Distinction in Performance" recognition by the Missouri Department of Elementary and Secondary Education; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to acknowledge the accomplishments of the Affton 101 School District in St. Louis County.

Senator Sims offered Senate Resolution No. 1439, regarding John M. "Jack" Lally, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Klarich moved that **SCR 58** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Klarich, **SCR 58** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon

Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the concurrent resolution passed.

On motion of Senator Klarich, title to the concurrent resolution was agreed to.

Senator Klarich moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Steelman moved that **HCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Steelman, **HCR 3** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Bland Quick--2

Absent with leave--Senators--None

Senator DePasco moved that **HS** for **HCR 15** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HS** for **HCR 15** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

SENATE BILLS FOR PERFECTION

Senator Sims moved that **SB 1052**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1052**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1052

An Act to repeal sections 198.006, 198.014 and 198.073, RSMo, relating to assisted living facilities, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **SB 1052** be adopted.

Senator Sims offered **SS** for **SCS** for **SB 1052**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1052

An Act to repeal sections 198.006, 198.014 and 198.073, RSMo, relating to long term care, and to enact in lieu thereof four new sections relating to the same subject.

Senator Sims moved that **SS** for **SCS** for **SB 1052** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1052, Page 1, Section A, Line 4, by inserting immediately after said line the following:

"197.305. As used in sections 197.300 to 197.366, the following terms mean:

- (1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;
- (2) "Agency", the certificate of need program of the Missouri department of health and senior services;
- (3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;
- (4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;
- (5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(6) "Expenditure minimum" shall mean:

(a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, [2003] **2008**, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection [7] **6** of section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) "Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, kidney disease treatment centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(8) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(9) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(10) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of

licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(11) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(12) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(13) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

197.317. 1. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) and (g) of subdivision (10) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed pursuant to this chapter or a nursing care facility licensed pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after January 1, [2003] **2008**, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds[, provided that no construction shall begin prior to January 1, 2004]. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.

2. The health facilities review committee shall utilize demographic data from the office of social and economic data analysis, or its successor organization, at the University of Missouri as their source of information in considering applications for new institutional long-term care facilities.

197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of [social] **health and senior** services has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification.

2. The Missouri health facilities review committee may, for any facility certified to it by the department, consider the predominant ethnic or religious composition of the residents to be served by that facility in considering whether to grant a certificate of need.

3. [There shall be no expenditure minimum for facilities, beds, or services referred to in subdivisions (1), (2) and (3) of section 197.317. The provisions of this subsection shall expire January 1, 2003.]

4.] As used in this section, the term "licensed and available" means beds which are actually in place and for which a license has been issued.

[5.] 4. The provisions of section 197.317 shall not apply to any facility where at least ninety-five percent of the patients require diets meeting the dietary standards defined by section 196.165, RSMo.

[6.] 5. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria and standards for long-term care beds.

[7.] 6. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

[8. Notwithstanding any other provision of this chapter to the contrary:

(1) A facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed capacity by:

(a) Submitting a letter of intent to expand to the division of aging and the health facilities review committee;

(b) Certification from the division of aging that the facility:

a. Has no patient care class I deficiencies within the last eighteen months; and

b. Has maintained a ninety-percent average occupancy rate for the previous six quarters;

(c) Has made an effort to purchase beds for eighteen months following the date the letter of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(d) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license; or

(e) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

a. A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

b. A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(2) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not require a license;

(3) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(4) Any residential care facility licensed pursuant to chapter 198, RSMo, may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(5) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell individual long-term care licensed beds to facilities qualifying pursuant to paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished.

9. Any existing licensed and operating health care facility offering long-term care services may replace one-half of its licensed beds at the same site or a site not more than thirty miles from its current location if, for at least the most recent four consecutive calendar quarters, the facility operates only fifty percent of its then licensed capacity with every resident residing in a private room. In such case:

(1) The facility shall report to the division of aging vacant beds as unavailable for occupancy for at least the most recent four consecutive calendar quarters;

(2) The replacement beds shall be built to private room specifications and only used for single occupancy; and

(3) The existing facility and proposed facility shall have the same owner or owners, regardless of corporate or business structure, and such owner or owners shall stipulate in writing that the existing facility beds to be replaced will not later be used to provide long-term care services. If the facility is being operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.]

7. Notwithstanding any other provisions of this chapter to the contrary, a facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed capacity by:

(1) Submitting a letter of intent to expand to the department of health and senior services and the health facilities review committee;

(2) Certification from the department of health and senior services that the facility:

(a) Has no patient care class I deficiencies within the last eighteen months; and

(b) Has maintained a ninety percent average occupancy rate of its licensed and available beds for the previous four quarters;

(3) Has made an effort to purchase beds for twelve months following the date the letter of intent to expand is submitted. For purposes of this section, an "effort to purchase" means:

(a) A copy certified by the offeror as an offer to purchase beds from another licensed facility within the same licensure category; or

(b) In an effort to promote continuum of care, as an offer to purchase beds in another licensure category;

(4) A facility may purchase, transfer or sell individual licensed beds to facilities qualifying pursuant to subdivisions (1) and (2) of this subsection. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity within that licensure category for a period of five years from the date the license is relinquished;

(5) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license;

(6) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit the following expansion:

(a) A facility may expand its licensed bed capacity in the same licensure category by twenty-five percent of its current licensed and available beds;

(b) A facility may expand its licensed bed capacity in another licensure category by up to ten percent of the facility's current licensed and available beds;

(7) Any residential care facility or skilled nursing facility licensed pursuant to chapter 198, RSMo, may relocate any portion of such facility's current licensed beds to any other facility if both facilities are under the same ownership or control;

(8) In an effort to promote continuum of care, an independent living facility may apply to the health facilities review committee for permission to buy residential care or skilled nursing beds as follows:

(a) The facility shall submit a plan to the division of health standards and licensure and, if approved, the division shall issue a permit to apply to the health facilities review committee;

(b) The health facilities review committee shall review the plan, the permit and the need for beds and may authorize the facility to buy beds;

(c) The facility shall work with the health facilities review committee staff to identify a seller;

(d) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license;

(e) The facility shall then apply for licensure of the purchased beds;

(f) For purposes of this subdivision, the term "independent living facility" means any unlicensed group housing with services program for three or more unrelated adults that promotes resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, independence and home-like surroundings.

8. A facility which is licensed as a skilled nursing facility, a residential care facility I, or a residential care facility II pursuant to chapter 198, RSMo, may obtain licensure in more than one category while retaining the same number of beds. The facility shall submit a plan to the division of health standards and licensure and, if approved, make the changes necessary to fulfill the licensure requirements and then apply for licensure in the new category.

[10.] 9. Nothing in this section shall prohibit a health care facility licensed pursuant to chapter 198, RSMo, from being replaced in its entirety within fifteen miles of its existing site so long as the existing facility and proposed or replacement facility have the same owner or owners regardless of corporate or business structure and the health care facility being replaced remains unlicensed and unused for any long-term care services whether they do or do not require a license from the date of licensure of the replacement facility."; and

Further amend said bill, page 8, Section 198.016, line 29 of said page, by inserting immediately after said line the following:

"198.022. 1. Upon receipt of an application for a license to operate a facility, the department shall review the application, investigate the applicant and the statements sworn to in the application for license and conduct any necessary inspections. A license shall be issued if the following requirements are met:

(1) The statements in the application are true and correct;

(2) The facility and the operator are in substantial compliance with the provisions of sections 198.003 to 198.096 and the standards established thereunder;

(3) The applicant has the financial capacity to operate the facility;

(4) The administrator of a residential care facility II, a skilled nursing facility, or an intermediate care facility is currently licensed under the provisions of chapter 344, RSMo;

(5) Neither the operator nor any principals in the operation of the facility have ever been convicted of a felony offense concerning the operation of a long-term health care facility or other health care facility or ever knowingly acted or knowingly failed to perform any duty which materially and adversely affected the health, safety, welfare or property of a resident, while acting in a management capacity. The operator of the facility or any principal in the operation of the facility shall not be under exclusion from participation in the title XVIII (Medicare) or title XIX (Medicaid) program of any state or territory;

(6) Neither the operator nor any principals involved in the operation of the facility have ever been convicted of a felony in any state or federal court arising out of conduct involving either management of a long-term care facility or the provision or receipt of health care;

(7) All fees due to the state have been paid.

2. Upon denial of any application for a license, the department shall so notify the applicant in writing, setting forth therein the reasons and grounds for denial.

3. The department may inspect any facility and any records and may make copies of records, at the facility, at the department's own expense, required to be maintained by sections 198.003 to 198.096 or by the rules and regulations promulgated thereunder at any time if a license has been issued to or an application for a license has been filed by the operator of such facility. The department shall make at least [two inspections per year, at least one of which shall be unannounced to the operator] **one inspection per year, the date of which shall be unannounced to the operator. Should the facility not be in substantial compliance, other inspections shall be performed as the department deems necessary.** The department may make such other inspections, announced or unannounced, as it deems necessary to carry out the provisions of sections 198.003 to 198.136.

4. Whenever the department has reasonable grounds to believe that a facility required to be licensed under sections 198.003 to 198.096 is operating without a license, and the department is not permitted access to inspect the facility, or when a licensed operator refuses to permit access to the department to inspect the facility, the department shall apply to the circuit court of the county in which the premises is located for an order authorizing entry for such inspection, and the court shall issue the order if it finds reasonable grounds for inspection or if it finds that a licensed operator has refused to permit the department access to inspect the facility." and

Further amend said bill, page 15, Section 198.073, line 7 of said page, by inserting immediately after said line the following:

"[197.367. Upon application for renewal by any residential care facility I or II which on the effective date of this act has been licensed for more than five years, is licensed for more than fifty beds and fails to maintain for any calendar year its occupancy level above thirty percent of its then licensed beds, the division of aging shall license only fifty beds for such facility.]" and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Klindt offered SA 1 to SA 1:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1052, Page 5, Section 197.317, Line 27, by deleting the opening bracket "["; and further amend said page and section, line 29 by deleting the closing bracket "]"; and

Further amend said page, section and line by deleting the word "2004" and inserting in lieu thereof the word "2009"; and

Further amend pages 6-13, section 197.318 by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Sims requested a roll call vote be taken on the adoption of **SA 1** to **SA 1** and was joined in her request by Senators Cauthorn, DePasco, Kennedy and Singleton.

At the request of Senator Sims, **SB 1052**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1115**. Representatives: Green (73), Troupe, Campbell, Legan and Bearden.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1440, regarding Webster Groves School District, St. Louis County, which was adopted.

Senators Klarich and Schneider offered Senate Resolution No. 1441, regarding Annie Gunn's Restaurant, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1442, regarding Jennifer Coalson, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1443, regarding Ashley Chew, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1444, regarding Erin Calderwood, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1445, regarding Emily Hickner, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1446, regarding Brianna McGibbon, Surrey, British Columbia, which was adopted.

Senator Sims offered Senate Resolution No. 1447, regarding Sarah Mahler, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 1448, regarding Angela M. Polizzi, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 1449, regarding Andrea Pfaff, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1450, regarding Salinda Ragsdale, Viburnum, which was adopted.

Senator Sims offered Senate Resolution No. 1451, regarding Veronica Yvette Raynor, Spanish Lake, which was adopted.

Senator Sims offered Senate Resolution No. 1452, regarding Theresa Reck, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1453, regarding Megan Rhinehart, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1454, regarding Lisa Rottler, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1455, regarding Kristen Samson, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1456, regarding Karen Schindler, Ballwin, which was adopted.

Senator Sims offered Senate Resolution No. 1457, regarding Anne Elizabeth Schmidt, Kirkwood, which was adopted.

Senator Sims offered Senate Resolution No. 1458, regarding Sara Schwent, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1459, regarding Samantha Washington, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1460, regarding Megan Walker, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1461, regarding Carrie Elizabeth Warner, Wildwood, which was adopted.

Senator Caskey offered Senate Resolution No. 1462, regarding the Eightieth Birthday of Georgie McClure, Appleton City, which was adopted.

Senator Westfall offered Senate Resolution No. 1463, regarding Richard "Rick" Lindsay, Bolivar, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SBs 969, 673 and 855**, begs leave to report that it has considered the same and recommends that the bill do pass.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 884**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 884**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 884

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to payday loans.

Was taken up.

Senator DePasco moved that **SCS** for **SB 884** be adopted.

Senator DePasco offered **SS** for **SCS** for **SB 884**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 884

An Act to repeal section 408.500, RSMo, and to enact in lieu thereof two new sections relating to restrictions on payday loans, with penalty provisions.

Senator DePasco moved that **SS** for **SCS** for **SB 884** be adopted.

President Maxwell assumed the Chair.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 884, Page 6, Section 408.505, Line 25, by inserting after the word "section," the following:

"Except a prosecutor, upon written request of a lender, may collect no more than the face amount of a loan pursuant to this section and such lender shall pay a fee of five percent of such amount to the court automation fund and a fee of five percent of such amount to county crime reduction fund".

Senator Childers moved that the above amendment be adopted, which motion failed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 884, Page 6, Section 408.505, Line 28, by inserting immediately after said line the following:

"408.506. The division of finance shall report to the general assembly beginning on January 1, 2003, and on the first day of January every other year thereafter, the number of licenses issued by the director pursuant to section 408.500, the number of loans issued by said lenders, the average face value of such loans, the average number of times said loans are renewed, the number of said loans that are defaulted on an annual basis, and the number and nature of complaints made to the director by customers on such licensees and the disposition of such complaints. Such report shall also include the average interest and fees charged and collected by lenders on such loans, and a comparison of such with similar small loan lenders from adjoining states."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator DePasco moved that **SS** for **SCS** for **SB 884**, as amended, be adopted, which motion prevailed.

On motion of Senator DePasco, **SS** for **SCS** for **SB 884**, as amended, was declared perfected and ordered printed.

Senator Steelman moved that **SB 984** and **SB 985**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 984** and **985**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 984 and 985

An Act to repeal section 640.100, RSMo, relating to the department of natural resources, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Steelman moved that **SCS** for **SBs 984** and **985** be adopted.

Senator Steelman offered **SS** for **SCS** for **SBs 984** and **985**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 984 and 985

An Act to repeal sections 640.100, 643.055, 643.220, 644.016, 644.036, 644.051 and 644.052, RSMo, relating to the department of natural resources, and to enact in lieu thereof eleven new sections relating to the same subject.

Senator Steelman moved that **SS** for **SCS** for **SBs 984** and **985** be adopted.

Senator Klarich assumed the Chair.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 7, Section 643.055, Line 12, by deleting "the" on said line and the remaining of section 643.055.

Senator Dougherty moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 7-8, Section 643.055, by striking said section from the bill and amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted, which motion failed.

At the request of Senator Steelman, **SB 984** and **SB 985**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Gross moved that **SB 1046**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1046**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1046

An Act to repeal sections 92.045, 305.510 and 305.515, RSMo, relating to the Missouri-St. Louis metropolitan airport authority, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

Was taken up.

Senator Gross moved that **SCS** for **SB 1046** be adopted.

Senator Gibbons assumed the Chair.

Senator Johnson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1046, Page 2, Section 305.510, Line 26, by inserting after all of said line the following:

"7. In no event shall the Missouri-St. Louis Metropolitan Airport Authority increase fees associated with the use of any airport affected by this section to cover costs incurred due to the transfer of operational control created pursuant to subsection 2 of this section."

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Gross, **SB 1046**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1461** and **1470**, entitled:

An Act to repeal sections 28.160, 115.013, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.419, 115.433, 115.453, 115.493, 115.507, 115.613, 130.026 and 130.046, RSMo, and to enact in lieu thereof forty-eight new sections relating to elections, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1392**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto twelve new sections relating to school district tax alternatives, with penalty provisions for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1926**, entitled:

An Act to repeal section 208.631, RSMo, and to enact in lieu thereof one new section relating to the extension of the termination date of the children's health program, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1679**, entitled:

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710, and 313.720, RSMo, and to enact in lieu thereof twenty-eight new sections relating to horse racing and pari-mutuel wagering, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Foster introduced to the Senate, Ben Counce and eighth grade students from Caruthersville Middle School, Caruthersville; and Pramesha Foster, Ward Davis, Donisha Morgan, Barbie Plunkett, Schylon Lane, Naomi Kirby, Aleric Mullins and Logan Alsup were made honorary pages.

Senator Steelman introduced to the Senate, Kayce McClure and Christina Cook, New Bloomfield; and Kayce and Christina were made honorary pages.

Senator Bentley introduced to the Senate, Frank Hilton, Springfield.

Senator Kennedy introduced to the Senate, Julie Roscoe, Shrewsbury; and Dr. Debra Herbst and Mrs. Pegi Zoole, St. Louis.

Senator Steelman introduced to the Senate, Roberta Higgins and Kay Hegler, Rolla.

Senator Gibbons introduced to the Senate, 100 fifth grade students from Barretts Elementary School, Manchester; and Crystal Ellison, Brian Kenney, Joey Meshier, Christine Harwood, Alec Sydlow, Amanda Hunt, Cottrell Turner and Alyssa Zvolanek were made honorary pages.

Senator Russell introduced to the Senate, Marsha Mackie, Lela Orman and representatives of the Sophomore Pilgrimage from Marshfield; and Brandi Bailey, Samantha Wilson and Mindy Funk were made honorary pages.

Senator Loudon introduced to the Senate, his father, Bob Loudon, Ballwin; and Gerald Perschbacher, Grantwood Village.

Senator Cauthorn introduced to the Senate, former State Senator David Doctorian, and his daughter, Sherry, Macon County.

Senator Kenney introduced to the Senate, Linda Denker and students from Mason Elementary School, Lee's Summit; and Courtney Rogers, Meredith Stoll, Eva Helber, Andrew Horsch, Tommy Cochrane, Kelsey Kohler, Rebecca Oyler and Carrie Hayde were made honorary pages.

Senator Kenney introduced to the Senate, Ruth Kolb and students from Mason Elementary School, Lee's Summit; and Marianne Beal, Austin

Stuckmeyer, Caitlin Wood, Holland Brown, Eric Armstrong and Kelsey Lohmeyer were made honorary pages.

Senator Kinder introduced to the Senate, the Class of 2002 Leadership Missouri.

Senator Steelman introduced to the Senate, Stuart Bauer, Rolla.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Kirt Nichols, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIRST DAY-WEDNESDAY, APRIL 10, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HCS for HB 1154

HB 1192-Harding and Boucher

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90)

HB 1432-Foley

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73)

HCS for HB 1817

HS for HCS for HB 1877-Foley

HB 1592-Hickey, et al

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73)

HS for HCS for HB 1762-Harding

HCS for HB 1689

HB 1851-Curls

HB 1795-Berkowitz, et al

HB 1837-Berkowitz, et al

HB 2087-Whorton, et al

HS for HCS for HBs 1461 &

1470-Seigfreid

HS for HCS for HB 1392-

Davis

HB 1926-Fraser, et al

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,
866, 972 & 990-Cauthorn
(In Budget Control)

SS for SCS for SBs 969,
673 & 855-Westfall

SCS for SBs 894, 975 &
927-Kinder (In Budget Control)
SS for SCS for SBs 670 &
684-Sims
(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 1103-Westfall, et al
2. SBs 915, 710 & 907-
Westfall, et al, with SCS
3. SBs 923, 828, 876, 694
& 736-Sims, with SCS
4. SB 676-Yeckel, et al,
with SCS
5. SB 900-Goode, et al,
with SCS

6. SB 1107-Childers,
with SCS
7. SB 912-Mathewson,
with SCS
8. SB 892-Kenney, with SCS
9. SB 910-Gibbons
10. SB 1104-Mathewson
11. SB 954-Loudon, with SCS
12. SB 1014-Klindt and Kinder
13. SB 1152-Klarich, with SCS
14. SBs 766, 1120 & 1121-
Steelman, with SCS
15. SB 926-Kenney, et al,
with SCS
16. SB 1140-Rohrbach
17. SBs 1112 & 854-Caskey
and Russell, with SCS
18. SB 1111-Quick, with SCS
19. SB 689-Gibbons, et al,
with SCS
20. SB 938-Cauthorn, et al
21. SB 1087-Gibbons,
et al, with SCS
22. SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS
23. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2
24. SB 971-Klindt, et al, with

SCS

25. SBs 1063 & 827-Rohrbach

and Kenney, with SCS

26. SB 1010-Sims

27. SRB 1236-Rohrbach

28. SB 1026-Kenney, et al,

with SCS

29. SB 1157-Klindt, with SCS

30. SBs 1095 & 1195-

Cauthorn, with SCS

31. SB 1232-Singleton

32. SB 1206-Bentley and Stoll

33. SB 878-Sims, with SCS

34. SB 1060-Westfall,

with SCS

35. SB 1205-Yeckel

36. SB 1040-Gibbons,

et al, with SCS

37. SB 1133-Gross, with SCS

38. SB 1099-Childers, with

SCS

39. SB 739-Wiggins, with SCS

40. SB 1105-Loudon

41. SB 735-Steelman and

Kinder, with SCS

42. SB 713-Singleton

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS (pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SBs 662 & 704-Westfall,

with SCS & SA 4 (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS, SS

for SCS & SA 1 (pending)

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 958 & 657-Kinder,

with SCS

SBs 984 & 985-Steelman,
with SCS, SS for SCS &
SA 1 (pending)
SB 1005-Loudon
SB 1046-Gross and House,
with SCS (pending)
SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending)
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS

(Russell)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

HCR 7-Boykins and Barry

(Singleton)

SCR 43-Loudon, with SCS

HCS for HCR 11 (Kinder)

HCR 20-Crump (Staples)

HCR 21-Boucher and

Kreider (Yeckel)

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIRST DAY--WEDNESDAY, APRIL 10, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"A nation is molded by the test that its peoples meet and master." (President Lyndon B. Johnson, 3/20/1965)

Gracious God, we pray for Your presence in our lives as we deal with the tests that confront us. These Senators wrestle with what they believe can help the most people recognizing that each cut in the budget affects the lives of people who are entrusted to their care. Abide with them and guide their hearts and minds, as You would have them meet the test that confronts them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

Senator Gibbons assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Staples moved that **HCR 20** be taken up for adoption, which motion prevailed.

On motion of Senator Staples, **HCR 20** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty

Foster	Gibbons	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Goode	Jacob	Quick--3	
	Absent with leave--Senators--None		

Senator Klarich requested unanimous consent of the Senate for the Committee on Judiciary to meet while the Senate is in session, which request was granted.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 969, 673** and **855**, introduced by Senator Westfall, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 969, 673 and 855

An Act to repeal sections 43.540, 217.690, 556.061, 589.400, 589.410, 589.417 and 632.483, RSMo, relating to sexual offenses, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

On motion of Senator Westfall, **SS** for **SCS** for **SBs 969, 673** and **855** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Russell	Schneider	Sims	Steelman
Westfall	Wiggins	Yeckel--27	
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Jacob	Mathewson	Quick	Singleton
Staples	Stoll--6		
	Absent with leave--Senators--None		

The President declared the bill passed.

Senator Klarich assumed the Chair.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Jacob	Quick	Singleton	Staples--4
	Absent with leave--Senators--None		

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 662** and **SB 704**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Westfall, the above amendment was withdrawn.

Senator Westfall offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 662 and 704, Page 6, Section 367.044, Line 8, by inserting after all of said line the following:

"(3) "Designee", any person or entity designated by a claimant to present proof of ownership to a pawnbroker and to demand return of misappropriated property from a pawnbroker, including, but not limited to, law enforcement officers;"; and further amend said line 24, by inserting after all of said line the following:

"(7) "Proof of ownership", a bill of sale or other proper evidence of ownership;"; and further amend said section by renumbering the subdivisions accordingly; and further amend lines 27 to 37, by striking said lines; and

Further amend said bill and section, Page 7, Lines 38 to 72, by striking said lines; and

Further amend said bill and section, Page 8, Lines 73 to 91, by striking said lines and inserting in lieu thereof the following:

"2. A pawnbroker shall have no recourse against the pledgor for payment on a pawn transaction except the pledged goods themselves, unless the goods are found to have been misappropriated.

3. [To obtain possession of tangible personal property held by a pawnbroker which a claimant claims to be misappropriated, the claimant may file a petition in a court of competent jurisdiction in the county where the theft occurred or where the pawnbroker's pawnshop is located, requesting the return of the property, naming the pawnbroker

as a defendant and serving the pawnbroker with the petition. The provisions of section 482.305, RSMo, to the contrary notwithstanding, a court of competent jurisdiction shall include a small claims court, even if the value of the property named in the petition is greater than three thousand dollars. Upon receiving notice that a petition has been filed by a claimant for the return of property in the pawnbroker's possession, the pawnbroker shall hold the property identified in the claimant's petition until the right to possession is resolved by the parties or by a court of competent jurisdiction.

4. Upon being served notice that a petition has been filed pursuant to this section, the pawnbroker may, after determining the validity of the claimant's claim, return the property to the claimant prior to a decision being rendered on the claimant's petition by the court. The pawnbroker shall return the property to the claimant free of any principal, interest and service charges, conditioned only upon the claimant withdrawing the petition filed with a court of competent jurisdiction seeking the disposition of said property. Property voluntarily returned by a pawnbroker to a claimant subject to this subsection shall be returned:

(1) Immediately when the property is not subject to a pawn transaction contract; and

(2) When the property is subject to a pawn transaction contract, the pawnbroker shall deliver the property to the claimant immediately upon the termination of the pawn transaction contract, except that if the pledgor of the property subject to a claimant's claim attempts to redeem the property as provided for by the pawn transaction contract, the pawnbroker may collect any principal, interest or service charges due and shall hold the property until the right to possession is resolved by the parties or by a court of competent jurisdiction.

The provisions of this section to the contrary notwithstanding, the pawnbroker shall not be required to pay any costs incurred by the claimant and the claimant shall not be required to pay any costs incurred by the pawnbroker when the property subject to the claimant's petition is returned to the claimant pursuant to this subsection.

5. When a claimant files a petition pursuant to this section, the pawnbroker may bring the conveying customer of the alleged misappropriated property into that action as a third-party defendant. When a claimant files a petition pursuant to this section, the pawnbroker shall bring the conveying customer of the alleged misappropriated property into that action as a third-party defendant if the pawnbroker has collected any principal, interest or service charges pursuant to subdivision (2) of subsection 4 of this section. If after notice to the pawnbroker and an opportunity to add the conveying customer as a defendant, the property in the possession of the pawnbroker is found by a court of competent jurisdiction to be the claimant's property and the property is awarded to the claimant by the court, then:

(1) The prevailing claimant may recover from the pawnbroker the cost of the action, including attorney's fees;

(2) The conveying customer shall be liable to repay the pawnbroker the full amount received from the pawnbroker from the pawn or sales transaction, including all applicable fees and interest charged and the costs incurred by the pawnbroker in pursuing the procedure described in this section, including attorney's fees.] **If any seller or pledgor fails to provide a pawnbroker with proof of ownership of the property sold or pledged to the pawnbroker, the pawnbroker shall hold such property for a period of six months prior to selling or otherwise transferring such property, provided, a pledgor may redeem the pledged property at any time upon performance of the contract with the pawnbroker.**

4. Any claimant whose property was misappropriated and subsequently pledged or sold to a pawnbroker may, personally or by designee, demand return of the misappropriated property upon proof of ownership.

(1) If the property demanded by a claimant or claimant's designee was sold or pledged to a pawnbroker by a conveying customer without proof of ownership, and the demand by claimant or claimant's designee occurs within six months of the sale or pledge, the pawnbroker shall return the property to claimant or claimant's designee.

(2) If the property demanded by a claimant or claimant's designee was sold or pledged to a pawnbroker by a conveying customer with proof of ownership, or by a conveying customer without proof of ownership and the demand by claimant or claimant's designee occurs six months or more after the sale or pledge, the pawnbroker may return the property to claimant or claimant's designee.

5. If a pawnbroker refuses to deliver property to a claimant or designee upon proof of ownership, or if a pawnbroker relinquishes possession but still claims an ownership interest in the property, either the claimant or the pawnbroker may file a petition in a court of competent jurisdiction requesting return of the property, provided, the non-prevailing party shall be responsible for costs of the action and the reasonable attorney's fees of the prevailing party.

6. The filing of a petition pursuant to the provisions of this section shall be in the county where the theft occurred or where the pawnbroker's pawnshop is located. The provisions of section 482.305, RSMo, to the contrary notwithstanding, a court of competent jurisdiction shall include a small claims court, even if the value of the property named in the petition is greater than three thousand dollars. Upon receiving notice that a petition has been filed, the party with possession of the property shall hold the property identified in the petition until the right to possession is resolved by the parties or the court.

7. Nothing contained in this section shall limit a pawnbroker from bringing the conveying customer into a suit as a third-party, nor limit a pawnbroker from recovering from a conveying customer repayment of the full amount received from the pawnbroker from the pawn or sales transaction, including all applicable fees and interest charged, attorney's fees and the cost of the action."

Senator Westfall moved that the above amendment be adopted.

Senator Westfall offered SSA 1 for SA 5:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 662 and 704, Page 6, Section 367.044, Line 8, by inserting after all of said line the following:

"(3) "Designee", any person or entity designated by a claimant to present proof of ownership to a pawnbroker and to demand return of misappropriated property from a pawnbroker, including, but not limited to, law enforcement officers;"; and further amend said line 24, by inserting after all of said line the following:

"(7) "Proof of ownership", a bill of sale or other proper evidence of ownership;"; and further amend said section by renumbering the subdivisions accordingly; and further amend lines 27 to 37, by striking said lines; and

Further amend said bill and section, Page 7, Lines 38 to 72, by striking said lines; and

Further amend said bill and section, Page 8, Lines 73 to 91, by striking said lines and inserting in lieu thereof the following:

"2. A pawnbroker shall have no recourse against the pledgor for payment on a pawn transaction except the pledged goods themselves, unless the goods are found to have been misappropriated.

3. [To obtain possession of tangible personal property held by a pawnbroker which a claimant claims to be misappropriated, the claimant may file a petition in a court of competent jurisdiction in the county where the theft occurred or where the pawnbroker's pawnshop is located, requesting the return of the property, naming the pawnbroker as a defendant and serving the pawnbroker with the petition. The provisions of section 482.305, RSMo, to the contrary notwithstanding, a court of competent jurisdiction shall include a small claims court, even if the value of the property named in the petition is greater than three thousand dollars. Upon receiving notice that a petition has been filed by a claimant for the return of property in the pawnbroker's possession, the pawnbroker shall hold the property identified in the claimant's petition until the right to possession is resolved by the parties or by a court of competent jurisdiction.

4. Upon being served notice that a petition has been filed pursuant to this section, the pawnbroker may, after

determining the validity of the claimant's claim, return the property to the claimant prior to a decision being rendered on the claimant's petition by the court. The pawnbroker shall return the property to the claimant free of any principal, interest and service charges, conditioned only upon the claimant withdrawing the petition filed with a court of competent jurisdiction seeking the disposition of said property. Property voluntarily returned by a pawnbroker to a claimant subject to this subsection shall be returned:

- (1) Immediately when the property is not subject to a pawn transaction contract; and
- (2) When the property is subject to a pawn transaction contract, the pawnbroker shall deliver the property to the claimant immediately upon the termination of the pawn transaction contract, except that if the pledgor of the property subject to a claimant's claim attempts to redeem the property as provided for by the pawn transaction contract, the pawnbroker may collect any principal, interest or service charges due and shall hold the property until the right to possession is resolved by the parties or by a court of competent jurisdiction.

The provisions of this section to the contrary notwithstanding, the pawnbroker shall not be required to pay any costs incurred by the claimant and the claimant shall not be required to pay any costs incurred by the pawnbroker when the property subject to the claimant's petition is returned to the claimant pursuant to this subsection.

5. When a claimant files a petition pursuant to this section, the pawnbroker may bring the conveying customer of the alleged misappropriated property into that action as a third-party defendant. When a claimant files a petition pursuant to this section, the pawnbroker shall bring the conveying customer of the alleged misappropriated property into that action as a third-party defendant if the pawnbroker has collected any principal, interest or service charges pursuant to subdivision (2) of subsection 4 of this section. If after notice to the pawnbroker and an opportunity to add the conveying customer as a defendant, the property in the possession of the pawnbroker is found by a court of competent jurisdiction to be the claimant's property and the property is awarded to the claimant by the court, then:

- (1) The prevailing claimant may recover from the pawnbroker the cost of the action, including attorney's fees;
- (2) The conveying customer shall be liable to repay the pawnbroker the full amount received from the pawnbroker from the pawn or sales transaction, including all applicable fees and interest charged and the costs incurred by the pawnbroker in pursuing the procedure described in this section, including attorney's fees.] **A pawnbroker shall require of every person from whom the pawnbroker receives sold or pledged property the following:**

(1) Proof of identification; and

(2) A signed statement that the seller or pledgor is the legal owner of the property and stating when, where, and in what manner such property was acquired by the seller or pledgor.

4. If any seller or pledgor fails to provide a pawnbroker with proof of ownership of the property sold or pledged to the pawnbroker, the pawnbroker shall hold such property for a period of ninety days prior to selling or otherwise transferring such property, provided, a pledgor may redeem the pledged property at any time upon performance of the contract with the pawnbroker.

5. Any claimant whose property was misappropriated and subsequently pledged or sold to a pawnbroker may, personally or by designee, demand return of the misappropriated property upon proof of ownership.

6. If a pawnbroker refuses to deliver property to a claimant or designee upon proof of ownership, or if a pawnbroker relinquishes possession but still claims an ownership interest in the property, either the claimant or the pawnbroker may file a petition in a court of competent jurisdiction requesting return of the property, provided, the non-prevailing party shall be responsible for costs of the action and the reasonable attorney's fees of the prevailing party.

7. The filing of a petition pursuant to the provisions of this section shall be in the county where the theft occurred or where the pawnbroker's pawnshop is located. The provisions of section 482.305, RSMo, to the contrary notwithstanding, a court of competent jurisdiction shall include a small claims court, even if the value

of the property named in the petition is greater than three thousand dollars. Upon receiving notice that a petition has been filed, the party with possession of the property shall hold the property identified in the petition until the right to possession is resolved by the parties or the court.

8. Nothing contained in this section shall limit a pawnbroker from bringing the conveying customer into a suit as a third-party, nor limit a pawnbroker from recovering from a conveying customer repayment of the full amount received from the pawnbroker from the pawn or sales transaction, including all applicable fees and interest charged, attorney's fees and the cost of the action."

Senator Westfall moved that the above substitute amendment be adopted.

Senator Kenney offered **SA 1** to **SSA 1** for **SA 5**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 5 to Senate Committee Substitute for Senate Bills Nos. 662 and 704, Page 4, Section 367.044, Line 23 of said page, by inserting immediately after the word "ownership" the following: "**, and the production of a police or sheriff report indicating said property was stolen**"; and further amend line 25 of said page, by inserting immediately after the word "ownership" the following: "**, and the production of a police or sheriff report indicating said property was stolen**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 5**, as amended, was again taken up.

Senator Westfall moved that the above substitute amendment, as amended, be adopted, which motion prevailed.

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 662 and 704, Page 10, Section 570.020, Line 22, by inserting after all of said line the following:

"570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

- (1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
- (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
- (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
- (4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is [seven hundred fifty] **five hundred** dollars or more; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
 - (a) Any motor vehicle, watercraft or aircraft; or
 - (b) Any will or unrecorded deed affecting real property; or
 - (c) Any credit card or letter of credit; or
 - (d) Any firearms; or
 - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
 - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
 - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
 - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
 - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
 - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
 - (k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class C felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

5. The theft of any item of property or services under subsection 3 of this section which exceeds [seven hundred fifty] **five hundred** dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Westfall moved that **SCS** for **SBs 662** and **704**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SBs 662** and **704**, as amended, was declared perfected and ordered printed.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 884** and **SS** for **SCS** for **SB 1059**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 1103** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1103, Page 1, Section 10.140, Line 1, by deleting "**Missouri Fox Trotting Horse**" and inserting "**Arabian**".

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1103, Page 1, Section 10.140, Line 1, by adding after the word "The", "**Arabian and**" and by adding an "s" to "**horse**" on the same line.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Westfall, **SB 1103**, with **SA 2** (pending), was placed on the Informal Calendar.

Senator Loudon moved that **SB 1005** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Loudon, **SB 1005** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John T. Adams, 1818 Hickory Street, St. Louis City, Missouri 63104, as a member of the Missouri State Committee of Interpreters, for a term

ending October 9, 2003, and until his successor is duly appointed and qualified; vice, William Ross, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John Scott George, 2605 Kayla Lane, Mount Vernon, Lawrence County, Missouri 65712, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2006, and until his successor is duly appointed and qualified; vice, Nancy Frasier, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol A. Moya, Democrat, 89 Stonecrest, St. Joseph, Buchanan County, Missouri 64506, as a member of the Board of Regents for Missouri Western State College, for a term ending October 28, 2007, and until her successor is duly appointed and qualified; vice, Karen Baker, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joyce E. Murphy, 1150 Choctaw Ridge, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri State Public Employees Deferred Compensation Commission, for a term ending November 20, 2003, and until her successor is duly appointed and qualified; vice, Sheila Greenbaum, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John J. Puetz, M.D., 16265 Quail Valley Drive, Wildwood, St. Louis County, Missouri 63005, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 191.305.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne G. Rottmann, 1409 Greenberry Road, Jefferson City, Cole County, Missouri 65101, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Katherine A. Tyler, Democrat, 2110 South Owings Street, Oak Grove, Jackson County, Missouri 64075, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

Photographers from KOMU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

Senator Sims requested unanimous consent of the Senate for the Committee on Aging, Families and Mental Health to meet while the Senate is in session, which request was granted.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1464, regarding Wilma Jean Wilson, Blythedale, which was adopted.

Senator Schneider offered Senate Resolution No. 1465, regarding Jonathan Paul Hedge, Granite City, Illinois, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1466, regarding Viola Brauner, Eugene, which was adopted.

Senator Bland offered Senate Resolution No. 1467, regarding the National Education Association Black Caucus, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 915**, **SB 710** and **SB 907**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 915, 710** and **907**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 915, 710 and 907

An Act to repeal sections 142.803, 144.020, 144.440, 144.700 and 226.200, RSMo, relating to measures to increase funding for transportation, and to enact in lieu thereof six new sections relating to the same subject, with a referendum clause, effective date and a contingent termination date for certain sections.

Was taken up.

Senator Westfall moved that **SCS** for **SBs 915, 710** and **907** be adopted.

Senator Rohrbach assumed the Chair.

Senator Gross assumed the Chair.

Senator Klindt offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 1, Section 142.803, Line 5, by deleting the words "twenty-three" and inserting in lieu thereof "nineteen".

Senator Klindt moved that the above amendment be adopted.

Senator Staples requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators House, Jacob, Kennedy and Westfall.

SA 1 failed of adoption by the following vote:

	YEAS--Senators		
Cauthorn	Foster	Kinder	Klindt
Steelman--5			
	NAYS--Senators		
Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Stoll	Westfall	Wiggins	Yeckel--28
	Absent--Senator DePasco--1		
	Absent with leave--Senators--None		

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 5, Section 144.700, Line 12, by striking the word "and" as it appears at the end of said line; and further amend line 16, by inserting after "RSMo" the following: "; **and**

(4) Effective July 1, 2005, fifteen percent of the revenue derived from the rate of three-eighths cents on the dollar of the tax imposed by this act shall be deposited to the state road fund as established in section 226.220, RSMo. For the following fiscal year thirty percent of said revenue shall be deposited to the state road fund as established in section 226.220, RSMo. On the following fiscal year forty-five percent of said revenue shall be deposited to the state road fund as established in section 226.220, RSMo. On the following fiscal year sixty percent of said revenue shall be deposited to the state road fund as established in section 226.220, RSMo. On the following fiscal year eighty percent of the revenue derived from the rate of three-eighths cents on the dollar of the tax imposed by this act shall be deposited to the state road fund. For every subsequent fiscal year, the state road fund shall receive eighty percent of the revenue derived from the rate of three-eighths cents on the dollar of the tax imposed by this act;".

Senator Klindt moved that the above amendment be adopted.

Senator Rohrbach offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 1, Section 144.700, Line 6, by deleting all of said line and inserting in lieu thereof the following: "**the increased sales tax imposed by this act**"; and further amend lines 19-20, by deleting "three-eighths cents on the dollar of the" and insert in lieu thereof the following: "**the increased sales**"; and further amend page 2, section 144.700, line 1, by deleting all of said line and inserting in lieu thereof the following: "**the increased sales**".

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 1** to **SA 2** was withdrawn.

Senator Rohrbach offered **SA 2** to **SA 2**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 1, Section 144.700, Line 6, by deleting "three-eighths cents on the dollar of the" and inserting in lieu thereof the following: "**the increased sales**"; and further amend said page and section, line 17, by deleting all of said line and inserting in lieu thereof the following: "**the increased sales tax imposed by this act**"; and further amend lines 20-21, by deleting "three-eighths cents on the dollar of the" and inserting in lieu thereof "**the increased sales**".

Senator Rohrbach moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, Childers, Stoll and Westfall.

SA 2 to **SA 2** failed of adoption by the following vote:

YEAS--Senators

Foster	Gross	Klindt	Rohrbach
Steelman--5			

NAYS--Senators

Caskey	Cauthorn	Childers	Coleman
Dougherty	Gibbons	Goode	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Stoll	Westfall	Wiggins
Yeckel--25			

Absent--Senators

Bentley	Bland	DePasco	Staples--4
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Absent with leave--Senators--None

Senator Rohrbach offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 5, Section 144.700, Lines 9-12, by striking all of said lines and inserting in lieu thereof the following:

"(2) All of the revenue derived from the increased sales tax imposed by this act shall be deposited to the state road fund as established in section 226.220, RSMo.; and".

Senator Rohrbach moved that the above substitute amendment be adopted.

Senator Childers assumed the Chair.

Senator Staples requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Bentley, Cauthorn, Johnson and Rohrbach.

SSA 1 for **SA 2** failed of adoption by the following vote:

YEAS--Senators

Foster	Gross	Kinder	Klarich
Rohrbach	Singleton	Yeckel--7	

NAYS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Sims	Staples	Steelman	Westfall
Wiggins--25			

Absent--Senators

DePasco	Stoll--2
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Absent with leave--Senators--None

At the request of Senator Westfall, **SB 915**, **SB 710** and **SB 907**, with **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Dennis Corrigan and his daughter, Grace, Wildwood; and Grace was made an honorary page.

Senator Singleton introduced to the Senate, Peggy and Larry Neff, Neosho; and Linda and Doug Brooks, Joplin.

Senator Staples introduced to the Senate, John Scott, St. Louis; and Jack Pierce, Jefferson City.

Senator Westfall introduced to the Senate, Mark Marler, Gina Rudder, Bill Kirby, Boone Middleton, Bus Drivers Kathy and Marlene, and 50 eighth grade students from Marionville High School, Marionville.

Senator Gross introduced to the Senate, Brenda D. Newberry, St. Peters; and Jill Schroeder, St. Louis County.

Senator Bentley introduced to the Senate, Mike Faust, Washington, D.C.; and Dr. John Hume, Springfield.

Senator Staples introduced to the Senate, Debbie Lee, Angela Campbell, Zach Coleman, Stacey Ellis, Kenny Farkas, Kyle Gilliam, Clarissa Hafley, Amber Janis, Brian Kelley, Shannon Lee, Kayce Porterfield, Sarah Poston, Allen Robbins, Melisa Steinmetz and students from Mineral Area College, Park Hills.

Senator Steelman introduced to the Senate, Paul Stratman, and his son, Paul, Osage County; and Paul was made an honorary page.

Senator Rohrbach introduced to the Senate, Angela Sampson, McGirk.

On behalf of Senators Steelman, Klarich and himself, Senator Kenney introduced to the Senate, Mary Hall, and her children, Kimberly, Justic, Chava and Ellie, Salem; and Kimberly, Justic, Chava and Ellie were made honorary pages.

Senator Schneider introduced to the Senate, students from Walker Elementary School, North County St. Louis; and Alex Reynolds, Michael Bierce and Bradley Jacobson were made honorary pages.

Senator Klindt introduced to the Senate, members of Trenton Chamber of Commerce.

Senator Westfall introduced to the Senate, the Sho-Me Challenge Class, Nevada.

Senator Gross introduced to the Senate, Sami Huesemann and 75 fifth grade students, parents and teachers from Central Elementary School, St. Charles.

Senator Kenney introduced to the Senate, R.E., Laurel, Andrew, Ryan and Bret Morton, Kristina Haines and Doug, Myrna, Kristin and Alyssa Vaughan, Home Schoolers from Lee's Summit; and Alice Ruggles, Ozark; and Andrew, Kristin and Alyssa were made honorary pages.

On behalf of Senator Kinder and himself, Senator Kennedy introduced to the Senate, Libby Bullard, Beth Essner and E.J. Browne, Cape Girardeau.

Senator Yeckel introduced to the Senate, Nancy Werkmeister and students from St. Catherine Laboure School, St. Louis; and Courtney Brennan, Kyle Dachroeden, Alison Launhardt and Joe Macejak were made honorary pages.

Senator Singleton introduced to the Senate, Dr. Charles McGinty, D.D.S. and Dr. Ed McAllister, D.D.S., Joplin.

Senator Stoll introduced to the Senate, JoAnne Stone, Brian McClain, Elizabeth McClain, Dr. E. Herman, Dan and Diane Rowland, Sandy Weber, Mr. and Mrs. Jim Vinyard, Amy Miller, Josh Boedeker and 14 fourth grade students and adults from Sacred Heart School, Festus.

Senator Yeckel introduced to the Senate, former State Senator Irene Treppler, Wanda Winter, Lill Mueller, Terry Rupp and Ruth Alfeld, St. Louis County.

Senator Kinder introduced to the Senate, Dr. Jay Sheets, Dr. Susan Sheets, Dr. and Mrs. Shanon Kirchoff and Dr. David Johnson, Cape Girardeau; Dr. and Mrs. Stan Williams, Jackson; and Dr. Guy Deaton, Kansas City.

Senator Kennedy introduced to the Senate, Keaton Hanson, Ronda Bradley, Paula Peters, Doug Lang, Curtis Hartin, Don Lafata and Tom Hunt, St. Louis; and Keaton was made an honorary page.

Senator Foster introduced to the Senate, Libby Dust, Poplar Bluff; Kirk Yount, Cape Girardeau; and Garth Reynolds, Kim Byrd and Patty Yang, Illinois.

Senator Westfall introduced to the Senate, David McCann, Mt. Vernon.

Senator Westfall introduced to the Senate, Christy Burtman, Jeanne Johns, Susan Rapp, James Garton, Jennifer French, Jennie Roland and Alan Roland, Greene County.

Senator Singleton introduced to the Senate, Dr. Dan Haney, D.D.S., Joplin.

Senator Bland introduced to the Senate, Eric Neal, Nevada; and Christopher Clay Freeman and Rachinda Kay Anfinson, Kansas City.

Senator Russell introduced to the Senate, Dr. Dan Brady, Lebanon.

Senator Sims introduced to the Senate, 4 students from the College School of Webster Groves, St. Louis; and Jeffrey Z. Kwiatek, Alexandra C. Reed, Caleb S. Liberman and Rebecca L. Bayham were made honorary pages.

Senator Loudon introduced to the Senate, students from Bellerive Elementary School, Creve Coeur.

Senator Rohrbach introduced to the Senate, Tom Kolb, Mike Kehoe and Boy Scouts from St. Joseph's School, Jefferson City.

Senator Gibbons introduced to the Senate, Patty and Rebekah Mallett, St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SECOND DAY-THURSDAY, APRIL 11, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HCS for HB 1154

HB 1192-Harding and Boucher

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90)

HB 1432-Foley

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-Green (73)

HCS for HB 1817

HS for HCS for HB 1877-Foley

HB 1592-Hickey, et al

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73)

HS for HCS for HB 1762-Harding

HCS for HB 1689

HB 1851-Curls

HB 1795-Berkowitz, et al

HB 1837-Berkowitz, et al

HB 2087-Whorton, et al

HS for HCS for HBs 1461 &

1470-Seigfreid

HS for HCS for HB 1392-Davis

HB 1926-Fraser, et al

HB 1679-Crump

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,

866, 972 & 990-Cauthorn

(In Budget Control)

SCS for SBs 894, 975 & 927-Kinder

(In Budget Control)

SS for SCS for SBs 670 & 684-Sims

(In Budget Control)

SS for SCS for SB 884-DePasco

SS for SCS for SB 1059-Bentley

SENATE BILLS FOR PERFECTION

1. SBs 923, 828, 876, 694

& 736-Sims, with SCS

2. SB 676-Yeckel, et al, with SCS

3. SB 900-Goode, et al, with SCS

4. SB 1107-Childers, with SCS

5. SB 912-Mathewson, with SCS

6. SB 892-Kenney, with SCS

7. SB 910-Gibbons

8. SB 1104-Mathewson

9. SB 954-Loudon, with SCS

10. SB 1014-Klindt and Kinder

11. SB 1152-Klarich, with SCS

12. SBs 766, 1120 & 1121-

Steelman, with SCS

13. SB 926-Kenney, et al, with SCS

14. SB 1140-Rohrbach
15. SBs 1112 & 854-Caskey
and Russell, with SCS
16. SB 1111-Quick, with SCS
17. SB 689-Gibbons, et al, with SCS
18. SB 938-Cauthorn, et al
19. SB 1087-Gibbons, et al,
with SCS
20. SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS
21. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2
22. SB 971-Klindt, et al, with SCS
23. SBs 1063 & 827-Rohrbach
and Kenney, with SCS
24. SB 1010-Sims
25. SRB 1236-Rohrbach
26. SB 1026-Kenney, et al,
with SCS
27. SB 1157-Klindt, with SCS
28. SBs 1095 & 1195-
Cauthorn, with SCS
29. SB 1232-Singleton
30. SB 1206-Bentley and Stoll
31. SB 878-Sims, with SCS
32. SB 1060-Westfall, with SCS

- 33. SB 1205-Yeckel
- 34. SB 1040-Gibbons, et al,
with SCS
- 35. SB 1133-Gross, with SCS
- 36. SB 1099-Childers, with SCS
- 37. SB 739-Wiggins, with SCS
- 38. SB 1105-Loudon
- 39. SB 735-Steelman and
Kinder, with SCS
- 40. SB 713-Singleton

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 641 & 705-Russell, et al,
with SCS (pending)
- SB 647-Goode, with SCS
(pending)
- SB 651-Singleton and
Russell, with SCS (pending)
- SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
- SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS, SS

for SCS & SA 1 (pending)

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 915, 710 & 907-

Westfall, et al, with

SCS & SA 2 (pending)

SBs 958 & 657-Kinder,

with SCS

SBs 984 & 985-Steelman,

with SCS, SS for SCS &

SA 1 (pending)

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SB 1103-Westfall, et al,

with SA 2 (pending)

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS
(Russell)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds

(Schneider)

HCR 7-Boykins and Barry

(Singleton)

SCR 43-Loudon, with SCS

HCS for HCR 11 (Kinder)

HCR 21-Boucher and

Kreider (Yeckel)

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SECOND DAY--THURSDAY, APRIL 11, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Sustain me according to your promise, that I may live, and not be disappointed in my hope." (Psalm 119:116)

Merciful God, You sustain us when our spirits sag and our souls ache and the cares of life seem to overwhelm us. Be ever present in our lives so we may know Your love and light and express Your will for us to those for whom You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kinder	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Kenney	Klarich	Schneider--3	
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 1468, regarding the Ninetieth Birthday of Willard E. "Bill" Moyes, Columbia, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1469

WHEREAS, the Missouri Senate welcomes each and every opportunity to acknowledge milestone events in the lives and careers of Show-Me State

residents who have developed and maintained an admirable record of community betterment activities through the excellent execution of professional duty in their chosen fields of endeavor; and

WHEREAS, Dr. Mack Evans of Joplin, Missouri, has earned distinction during the past three decades for his spiritual leadership as the Pastor of Central Christian Center; and

WHEREAS, Dr. Mack Evans will gather with friends, colleagues, and parishioners on Sunday, April 28, 2002, when the Central Christian Center will honor him and Mrs. Evans on the occasion of his Thirtieth Anniversary celebration; and

WHEREAS, Dr. Evans moved to Joplin in 1972 from Shreveport, Louisiana, and accepted the call to spiritual service at a church composed of only thirty-five members; and

WHEREAS, Dr. Evans has enjoyed unqualified success as Central Christian Center has grown to include a weekly attendance of more than 1,200 people with worship services televised on KOAM Channel 7 for the past sixteen years; and

WHEREAS, in 1974 Central Christian Center moved to facilities in the old Fox Theatre located in downtown Joplin, began a renovation project that has turned most of one block in the area from empty storefronts to a beautiful center of activities that attract participants from throughout the four-state region, and sparked an ongoing neighborhood renewal that promises to recapture the grandeur, for which the downtown was once heralded; and

WHEREAS, recent Central Christian Center renovations include new offices and a north theatre entrance which required an investment of some \$1.7 million:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the exceptional spiritual and organizational leadership contributed by Dr. Mack Evans to the staff and members of Central Christian Center and to convey to him and Mrs. Evans this legislative body's heartiest congratulations and best wishes as he and his congregation proudly commemorate three decades of his wonderful service and care; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the Thirtieth Anniversary of the pastoral service of Dr. Mack Evans at Central Christian Center in Joplin, Missouri.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1470

WHEREAS, the members of the Missouri Senate take tremendous pleasure in acknowledging the stellar accomplishments of Show-Me State students who have risen to the upper levels of achievement by courageously embarking along unfamiliar career paths; and

WHEREAS, the Missouri Department of Elementary and Secondary Education created the Breaking Traditions Award to honor those students who are pursuing careers and vocational programs which are normally not chosen by persons of their gender; and

WHEREAS, on Thursday, May 9, 2002, Breaking Traditions Award winners will be feted at an awards reception at the Governor's Mansion in Jefferson City; and

WHEREAS, Brian Boone of Joplin, Missouri, is a student at Crowder College in Neosho where he is pursuing an Associate's degree and licensure as a Registered Nurse; and

WHEREAS, one of two males in a class of twenty-six, Brian Boone entered the program with approximately seven years of experience as a Paramedic and a grade point average of 3.2 in general education courses; and

WHEREAS, Brian Boone sees licensure as a Registered Nurse to be a natural progression in his career path which currently includes taking care of patients in an ambulance or in a hospital emergency room and perhaps includes future work in an intensive care unit or on a medical evacuation helicopter; and

WHEREAS, leaning heavily on such life experiences as a motorcycle accident in high school, marriage with children, and reentering college as a thirty-year-old, Brian Boone brings stability, experience, practical knowledge, and a proven dedication to helping others to the Crowder College classroom:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the well-deserved selection of Brian Boone for one of only six 2002 Breaking Traditions Awards and to convey to him this legislative

body's warmest welcome as he visits the Missouri State Capitol as an intrinsic part of his recognition activities; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Brian Boone of Joplin, Missouri.

On behalf of Senator Schneider, Senator Sims offered Senate Resolution No. 1471, regarding Chris L. Wright, Ph.D., St. Louis, which was adopted.

On behalf of Senator Schneider, Senator Sims offered Senate Resolution No. 1472, regarding Leonardo's Little Italy, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senators Mathewson, Quick and Wiggins offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 61

Authorizing the transfer of money from the Budget Reserve Fund to General Revenue to be expended for state operations and programs for the period beginning July 1, 2002 and ending July 30, 2003.

WHEREAS, Article IV, Section 27(a) of the Missouri Constitution established the Budget Reserve Fund which may be used upon a request for an emergency appropriation, if approved by a two-thirds vote of the members elected to each house; and

WHEREAS, on March 4, 2002, the General Assembly received a request for emergency appropriations in order to address the fiscal year 2003 budget; and

WHEREAS, it is the duty of the General Assembly to protect the interests of all citizens of the state by maintaining fiscal responsibility while at the same time protecting critical programs supported by state moneys; and

WHEREAS, in order to maintain fiscal flexibility throughout the appropriation process during this budget crisis, the General Assembly should authorize use of the moneys from the Budget Reserve Fund for the period beginning July 1, 2002, and ending June 30, 2003, to be transferred out of the State Treasury in an amount not to exceed the limits allowable under Article IV, Section 27(a) of the Missouri Constitution to the General Revenue Fund:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, in accordance with the requirements of the Missouri Constitution, hereby approve the transfer out of the State Treasury, chargeable to the Budget Reserve Fund, in an amount not to exceed the limits allowable under Article IV, Section 27(a) of the Missouri Constitution to the General Revenue Fund, for the period beginning July 1, 2002, and ending June 30, 2003; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senators Mathewson, Kenney, Quick, Caskey, Wiggins, Kinder, Jacob, Johnson and Kennedy offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 62

Authorizing the sale of a portion of the tobacco settlement proceeds

WHEREAS, on November 23, 1998, Missouri entered the Master Settlement Agreement in the case of *State of Missouri ex rel. Nixon v. The American Tobacco Co., et al.* (Hereinafter "the Tobacco case"); and

WHEREAS, the moneys received by the state pursuant to the settlement of the Tobacco case are not designated for any specific use; and

WHEREAS, it is the duty of the General Assembly to protect the interests of all citizens of the state by maintaining fiscal responsibility while at the same time protecting critical programs supported by state moneys; and

WHEREAS, in order to maintain fiscal flexibility, the General Assembly should authorize the sale of a portion of future interest for current

valuation of moneys scheduled to be received by the state, to be included in general revenue for appropriation by the General Assembly;

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the sale for current valuation of a portion of the state's future interest in moneys scheduled to be received as a result of the settlement of the Tobacco case; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Singleton moved that **HCR 7** be taken up for adoption, which motion prevailed.

On motion of Senator Singleton, **HCR 7** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kennedy	Kinder
Klindt	Loudon	Quick	Rohrbach
Sims	Singleton	Steelman	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Johnson	Mathewson	Russell	Staples--4
Absent with leave--Senators			
Kenney	Klarich	Schneider	Stoll--4

Senator Yeckel moved that **HCR 21** be taken up for adoption, which motion prevailed.

On motion of Senator Yeckel, **HCR 21** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Steelman	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Johnson	Quick	Singleton	Staples--4
Absent with leave--Senators			
Kenney	Klarich	Schneider	Stoll--4

Senator Steelman assumed the Chair.

Senator Bland offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

WHEREAS, Walt Disney began his incredible career of filmmaking in a building at 31st and Forest Streets in Kansas City, Missouri, in the early 1920s; and

WHEREAS, that building has been placed on the National Register of Historic Places; and

WHEREAS, this building has recently been purchased by a not-for-profit organization of Missouri citizens dedicated to preserving, restoring and opening this building to the public; and

WHEREAS, the Walt Disney Family foundation has pledged to match up to \$450,000 in fund raised for the restoration of this building; and

WHEREAS, significant progress has been made toward the stabilization and preservation of the building; and

WHEREAS, this building is of great culture and historical significance to the people of Kansas City and the State of Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, declare and establish the Laugh-O-Gram Studio Building at 31st and Forest Streets in Kansas City, Missouri as a State Historic Site.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Brenda D. Newberry, as a member of the Missouri Minority Business Advocacy Commission;

Also,

Paula Nickelson, as a member of the Missouri Head Injury Advisory Council;

Also,

Christopher A. Gordon, as a member of the State Historical Records Advisory Board;

Also,

Garland G. Barton, as a member of the Missouri Training and Employment Council;

Also,

Larry D. Neff, as a member of the Missouri Development Finance Board;

Also,

Douglas A. Brooks, Ph.D., as a member of the Board of Regents for Missouri Southern State College;

Also,

Kevin N. Callaway, as a student representative of the Board of Regents for Missouri Western State College;

Also,

Angela B. Dorrough, as a student representative of the Board of Governors for Southwest Missouri State University;

Also,

Consuelo D. Washington, as a member of the Tourism Commission;

Also,

Dorothy M. Gresham and Joseph A. Swarts, as members of the Board of Election Commissioners for Platte County;

Also,

Mary A. Holyoke, D.C., as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Dennis D. Martin, as a member of the Peace Officers Standards and Training Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 958** and **SB 657**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 958** and **657**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 958 and 657

An Act to amend chapter 1, RSMo, by adding thereto three new sections relating to the prohibition of interference with the free exercise of religion.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 958** and **657** be adopted.

Senator Kinder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 958 and 657, Page 2, Section 1.307, Line 7, by inserting immediately after the word "belief" the following: ", **except that nothing in these sections shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on a federal, state or local civil rights law**".

Senator Kinder moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 958 and 657, Page 1, In the Title, Line 2, by striking said

line and inserting in lieu thereof the following: "Prohibition of the interference with civil liberties guaranteed under all of the amendments to the United States constitution and the bill of rights of the Missouri Constitution and as applied"; and

Further amend said bill and page, section 1.302, Lines 2-3, by striking "free exercise and enjoyment of religious belief or practice" and inserting in lieu thereof the following: "**civil liberties guaranteed under all of the amendments to the United States constitution and the bill of rights of the Missouri constitution and as applied are**"; and

Further amend same page, section 1.305, Line 2, by deleting the words "free exercise of religion" and inserting in lieu thereof the following: "**civil liberties guaranteed under all of the amendments to the United States constitution and the bill of rights of the Missouri constitution and as applied**"; and

Further amend said page, said section, Lines 4-5, by striking all of said lines and inserting in lieu thereof the following: "**applicability, and does not discriminate against civil liberties; and**"; and

Further amend said page, said section, lines 10-13, by striking all of said lines and further renumber the remaining subsections accordingly; and

Further amend page 2, section 1.307, line 7, by deleting "religious belief" and inserting in lieu thereof the following: "**civil liberties guaranteed under all of the amendments to the United States constitution and the bill of rights of the Missouri constitution and as applied**";.

Senate Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Kennedy, Mathewson and Quick.

SSA 1 for SA 1 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Caskey	Goode	Jacob
Mathewson	Quick--6		
	NAYS--Senators		
Bentley	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Gross
House	Kennedy	Kinder	Klindt
Loudon	Rohrbach	Russell	Sims
Singleton	Steelman	Westfall	Wiggins
Yeckel--21			
	Absent--Senators		
DePasco	Johnson	Staples--3	
	Absent with leave--Senators		
Kenney	Klarich	Schneider	Stoll--4

SA 1 was again taken up.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 958 and 657, Page 2, Section 1.307, Line 7, by inserting after said line the following:

"1.309. A governmental authority may not restrict an inmate's or prisoner's free exercise of religion unless it

demonstrates that the application of the restriction to an inmate held in a state correctional facility or prisoner held in a county or municipal jail is reasonably related to legitimate penological interests and otherwise meets all criteria set forth by the United States Supreme Court."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 958 and 657, Page 1, In the Title, Line 3, by inserting immediately after the word "religion" the following: "**and the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution.**"; and

Further amend said bill and page, Section 1.302, Line 3, by inserting immediately after the word "practice" the following: "**and the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution**"; and

Further amend said bill and page, Section 1.305, Line 2, by inserting immediately after the word "religion" the following: "**or the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution**"; and further amend line 5, by inserting immediately after the word "religions" the following: "**or the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution**"; and

Further amend said bill, Page 2, Section 1.307, Line 7, by inserting immediately after the word "beliefs" the following: "**or the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution**".

Senate Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Kinder, Russell and Sims.

At the request of Senate Kinder, **SB 958** and **SB 657**, with SCS and **SA 3** (pending), were placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1338--Education.

HCS for **HB 1154**--Judiciary.

HB 1192--Aging, Families and Mental Health.

HCS for **HBs 1134, 1100** and **1559**--Agri-culture, Conservation, Parks and Tourism.

HCS for **HB 1451**--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HB 1634--Local Government and Economic Development.

HCS for **HBs 1150, 1237** and **1327**--Ways and Means.

HCS for **HB 1711**--Education.

HCS for HB 1398--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HS for HB 1498--Civil and Criminal Jurisprudence.

HB 1432--Local Government and Economic Development.

HB 1581--Financial and Governmental Or-ganization, Veterans' Affairs and Elections.

HB 1418--Agriculture, Conservation, Parks and Tourism.

HCS for HB 1765--Ways and Means.

HS for HCS for HB 1906--Ways and Means.

HCS for HB 1817--Education.

HB 1592--Labor and Industrial Relations.

HCS for HB 1403--Pensions and General Laws.

HCS for HB 1202--Ways and Means.

HS for HB 1994--Education.

HS for HCS for HB 1762--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1851--Local Government and Economic Development.

HB 1795--Local Government and Economic Development.

HB 1837--Agriculture, Conservation, Parks and Tourism.

HB 2087--Financial and Governmental Organization, Veterans' Affairs and Elections.

HS for HCS for HBs 1461 and 1470--Financial and Governmental Organization, Veterans' Affairs and Elections.

REFERRALS

President Pro Tem Kinder referred **SS for SCS for SB 1059** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HB 1455**, entitled:

An Act to repeal sections 86.200, 86.213, 86.251, 86.254, 86.255, 86.256, 104.625, and 104.1024, RSMo, and to enact in lieu thereof thirteen new sections relating to public retirement systems, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1773**, entitled:

An Act to repeal sections 84.140 and 84.160, RSMo, and to enact in lieu thereof two new sections relating to the police force in certain cities, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1489**, entitled:

An Act to repeal sections 50.550, 143.782, 558.019 and 559.021, RSMo, and to enact in lieu thereof seven new sections relating to county crime reduction funds, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1443**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to the Safe Place for Newborns Act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1692**, entitled:

An Act to repeal section 311.178, RSMo, and to enact in lieu thereof one new section relating to liquor licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1488**, entitled:

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to taxation for public mass transportation systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1850**, entitled:

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to sheriff's charges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1473, regarding Pauline Christian, Unionville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Kenny and Janice Holt, Springfield.

Senator House introduced to the Senate, Ms. Renee Krueger, Mr. Craig Frahm and 25 seventh grade students from Zion Lutheran School, St. Charles County.

Senator House introduced to the Senate, his son, Daniel, St. Charles.

Senator Bentley introduced to the Senate, her husband, the Physician of the Day, Dr. John Bentley, M.D., and their grandson, Charlie Bentley, Springfield; and Charlie was made an honorary page.

Senator Sims introduced to the Senate, 90 students from Spoede Elementary School, St. Louis.

Senator Kennedy introduced to the Senate, 70 ninth grade students from St. John the Baptist College Preparatory High School, St. Louis; and Scott Clarke, Elaine Kramer, Jane Armbruster and Aaron Green were made honorary pages.

Senator Mathewson introduced to the Senate, representatives of the Isle of Capri Casino,

Boonville.

The President introduced to the Senate, Damont Holloway, Boys and Girls Clubs of Greater Kansas City; Amber Canada, Boys and Girls Clubs of Eastern Jackson County; Nicole Adams, Boys and Girls Clubs of Springfield; Ashley Childs, Boys and Girls Clubs of Southwest; Brett Meers, Boys and Girls Clubs of St. Charles County; and Judges; Mr. Lin Appling, Ms. Nancy Gratz and Ms. Dianitha Millard.

Senator Loudon introduced to the Senate, Laura Schwent and students from St. Lawrence the Martyr School, Bridgeton; and Angie Chrysler, Josh Schwent, Lyndsey Schwent, Bobby Schindler, Monica Heft, Jim Johler, Chris Schulte and Dominick LoBosco were made honorary pages.

Senator Gibbons introduced to the Senate, Ron and Nick Evans, Kirkwood; and Nick was made an honorary page.

Senator Cauthorn introduced to the Senate, Mrs. Reed, Mrs. Burrnick, Mr. Reed and 32 fifth through eighth grade students from Callao School, Macon County.

Senator Sims introduced to the Senate, 100 fourth grade students from Marion Elementary School, St. Louis.

On motion of Senator Sims, the Senate adjourned until 2:00 p.m., Monday, April 15, 2002.

SENATE CALENDAR

FIFTY-THIRD DAY-MONDAY, APRIL 15, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1425

HS for HCS for HB 1877- Foley

HCS for HB 1898

HCS for HBs 1344 & 1944

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73)

HCS for HB 1689

HS for HCS for HB 1392-

Davis

HB 1926-Fraser, et al

HB 1679-Crump

HS for HB 1455-O'Toole

HB 1773-Shelton and

Carnahan

HB 1489-Britt

HCS for HB 1443

HCS for HB 1692

HB 1488-Skaggs

HB 1850-O'Toole

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,
866, 972 & 990-Cauthorn

(In Budget Control)

SCS for SBs 894, 975

& 927-Kinder

(In Budget Control)

SS for SCS for SBs 670

& 684-Sims

(In Budget Control)

SS for SCS for SB 884-

DePasco

SS for SCS for SB 1059-Bentley

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SBs 923, 828, 876, 694

& 736-Sims, with SCS

2. SB 676-Yeckel, et al,

with SCS

3. SB 900-Goode, et al,
with SCS
4. SB 1107-Childers,
with SCS
5. SB 912-Mathewson,
with SCS
6. SB 892-Kenney, with SCS
7. SB 910-Gibbons
8. SB 1104-Mathewson
9. SB 954-Loudon, with SCS
10. SB 1014-Klindt and Kinder
11. SB 1152-Klarich, with SCS
12. SBs 766, 1120 & 1121-
Steelman, with SCS
13. SB 926-Kenney, et al,
with SCS
14. SB 1140-Rohrbach
15. SBs 1112 & 854-Caskey
and Russell, with SCS
16. SB 1111-Quick, with SCS
17. SB 689-Gibbons, et al,
with SCS
18. SB 938-Cauthorn, et al
19. SB 1087-Gibbons,
et al, with SCS
20. SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS
21. SB 1248-Mathewson and

Kenney, with SCAs 1 & 2

22. SB 971-Klindt, et al, with
SCS

23. SBs 1063 & 827-Rohrbach
and Kenney, with SCS

24. SB 1010-Sims

25. SRB 1236-Rohrbach

26. SB 1026-Kenney, et al,
with SCS

27. SB 1157-Klindt, with SCS

28. SBs 1095 & 1195-
Cauthorn, with SCS

29. SB 1232-Singleton

30. SB 1206-Bentley and Stoll

31. SB 878-Sims, with SCS

32. SB 1060-Westfall, with SCS

33. SB 1205-Yeckel

34. SB 1040-Gibbons,
et al, with SCS

35. SB 1133-Gross, with SCS

36. SB 1099-Childers,
with SCS

37. SB 739-Wiggins, with SCS

38. SB 1105-Loudon

39. SB 735-Steelman and
Kinder, with SCS

40. SB 713-Singleton

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SBs 688, 663, 691, 716,

759, 824 & 955-Gibbons,

et al, with SCS, SS

for SCS & SA 1 (pending)

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SBs 915, 710 & 907-
Westfall, et al, with
SCS & SA 2 (pending)
SBs 958 & 657-Kinder,
with SCS & SA 3 (pending)
SBs 984 & 985-Steelman,
with SCS, SS for SCS &
SA 1 (pending)
SB 1046-Gross and House,
with SCS (pending)
SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending)
SB 1103-Westfall, et al,
with SA 2 (pending)
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS
(Russell)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

To be Referred

SCR 61-Mathewson, et al

SCR 62-Mathewson, et al
Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1

HCR 5-Reynolds

(Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11 (Kinder)

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-THIRD DAY--MONDAY, APRIL 15, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Draw nigh to God, and he will draw nigh to you." (James 4:8)

Gracious God, we come before You in prayer for the days ahead will be filled with tension and we are in need of Your presence in our lives. As we seek to draw closer to You bless us with being closer to us and involved in the decisions we must make. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 11, 2002, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kinder	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Kenney	Klarich	Schneider--3	
The Lieutenant Governor was present.			

Senator Yeckel requested unanimous consent of the Senate for the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections to meet while the Senate is in session, which request was granted.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1474, regarding the Fiftieth Wedding Anniversary of Dr. and Mrs. Victor D. Gragg, which was adopted.

Senator Yeckel offered Senate Resolution No. 1475, regarding Alexis Edmond, Olivette, which was adopted.

On behalf of Senator Kenney, Senator Sims offered Senate Resolution No. 1476, regarding Donna M. Jenkins, Blue Springs, which was adopted.

On behalf of Senator Schneider, Senator Sims offered Senate Resolution No. 1477, regarding the Fortieth Anniversary of St. Angela Merici Parish, Florissant, which was adopted.

Senator Westfall offered Senate Resolution No. 1478, regarding Paulena Midles, which was adopted.

Senator Russell offered Senate Resolution No. 1479, regarding Rae Lynne Swopes, Mountain Grove, which was adopted.

Senator Dougherty offered Senate Resolution No. 1480, regarding the Alvin J. Siteman Cancer Center at Barnes-Jewish Hospital, St. Louis, which was adopted.

Senator Klindt offered Senate Resolution No. 1481, regarding Red X Motors, Cameron, which was adopted.

Senators Gross and House offered Senate Resolution No. 1482, regarding Joseph J. "Joey" Phipps, O'Fallon, which was adopted.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE CONCURRENT RESOLUTION NO. 64

WHEREAS, recognizing that visual development from birth through school age has sensitive and critical periods where abnormalities can lead to permanent impairments, especially in the development of binocular vision, an important part of human vision; and

WHEREAS, realizing that conditions such as strabismus (ocular misalignment) including esotropia (crossed eyes) and exotropia (outward turned eyes) occur in up to 6.7% of children prior to entering elementary school and anisometropia (significant difference in refractive prescription between the eyes) has a 1% or higher prevalence and clinically significant hyperopia (farsightedness) a prevalence of 3-6%; and

WHEREAS, The Journal of the American Public Health Association reported that 25% of Missouri's K-6 children have some kind of vision deficiency; and

WHEREAS, noting that the majority of eye and vision conditions prior to entering elementary school are not obvious on gross examination and go undetected; and

WHEREAS, noting that decreased binocular vision and depth perception can lead to problems in gross motor and fine motor development, and that uncorrected hyperopia is associated with deficits in visual perceptual skills, reading readiness, intelligence quotient, and reading achievement; and

WHEREAS, realizing that early comprehensive childhood eye care is a neglected area, that less than half of pediatricians perform even limited vision screenings, and pediatric screening, when performed, is usually limited to a light reflex test which will not detect most strabismus, hyperopia or anisometropia; and

WHEREAS, recognizing that professional organizations agree that screening under age 3 is not successful but there is ample evidence that amblyopic conditions should be detected and treated as early as possible;

NOW, THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby impel school districts to implement:

(1) The institution of a comprehensive vision screening to be performed on kindergarten age children. Such screenings should be done through the use of photorefractive technology developed by the National Aeronautics and Space Administration, and should screen for myopia, hyperopia, oblique astigmatisms, anisometropia, constant strabismus, ocular media opacities, other visible eye abnormalities, and defects that can lead to amblyopia.

(2) With the completion of such screening all children and schools would receive information detailing their screening results. Children with possible problems indicated will be directed to seek the services of an eye care professional to address their problem through a full eye examination.

(3) This screening system will begin with a pilot program for the 2002 school year. This program will be implemented in designated school districts as funding permits.

(4) This pilot program will be funded through monies deposited in the "Blindness, Education Screening & Treatment Fund".

REPORTS OF STANDING COMMITTEES

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 2120**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Gibbons sub-mitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 1955**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1659**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1537**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1814**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1814, Page 4, Section 455.504, Line 25, by inserting immediately after said line the following:

"488.610. Notwithstanding any other law to the contrary, **no victim of the crime of domestic assault, as defined in sections 565.072 to 565.074, no victim of the crime of stalking, as defined in section 565.225, and** no victim, as defined in section 595.010, RSMo, shall be required to pay the costs associated with the filing of criminal charges against the offender, or the costs associated with the **filing, issuance, registration** or service of a warrant, protection order, **petition for protection order** or witness subpoena [associated with a domestic violence offense]."; and

Further amend the title and enacting clause accordingly.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1715**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1768**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1768, Page 1, Section 511.360, Line 8, by inserting after the word "rendered" the following: "**or revived**".

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1895**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1151**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1078**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1148**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1580**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1811**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1839**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1846**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1849**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1861**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1982**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2002**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2018**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2039**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2064**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2130**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 2047**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 2022**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1973**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1515**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1477**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1406**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1964**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1635**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 2009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1838**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1085**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1548**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1812**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1781**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1783**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Sims submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1636**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1840**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1032**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1313**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1937**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1937, Page 1, Section 324.147, Line 8, by striking the word "unless" and inserting in lieu thereof the word "**if**"; and further amend line 9, by striking the word "has".

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1776**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 2001**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1921**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 2117**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1086**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1519**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1375**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1342**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1668**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1822**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1492**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1495**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Gross, Chairman of the Committee on Pensions and General Laws, Senator Sims submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 2080**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1674**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1890**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1837**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1518**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1568**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed

on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1446**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1381**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1701**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1473**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 958** and **SB 657**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kinder	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Kenney	Klarich	Schneider--3	

Senator Kinder moved that **SCS** for **SBs 958** and **657**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **SBs 958** and **657**, as amended, was declared perfected and ordered printed.

Senator Steelman moved that **SB 984** and **SB 985**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Dougherty, the above amendment was withdrawn.

SS for **SCS** for **SBs 984** and **985** was again taken up.

At the request of Senator Steelman, **SS** for **SCS** for **SBs 984** and **985** was withdrawn.

Senator Steelman offered **SS No. 2** for **SCS** for **SBs 984** and **985**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 984 and 985

An Act to repeal sections 640.100, 643.220, 644.016, 644.036, 644.051 and 644.052, RSMo, relating to the department of natural resources, and to enact in lieu thereof ten new sections relating to the same subject.

Senator Steelman moved that **SS No. 2** for **SCS** for **SBs 984** and **985** be adopted.

Senator Bentley assumed the Chair.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 1, Section A, Line 5, by inserting after all of said line the following:

"250.140. **1.** Sewerage services or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and the city, town or village or sewer district rendering such services shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

2. Any notice of delinquency regarding services provided shall be sent to both the occupant and owner of the premises receiving such service, if such owner has provided the entity rendering such service with the owner's rental property addresses."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 30, Section 644.052, Line 18, by inserting after all of said line the following:

"644.076. 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty pursuant to this section shall not be assessed for a violation where an administrative penalty was assessed pursuant to section 644.079. The commission or the director may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty pursuant to this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department pursuant to this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion. **Any penalty assessed to a political subdivision pursuant to this section shall not exceed the actual cost of remediating the violation.**

2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

3. Any person who willfully or negligently commits any violation set forth pursuant to subsection 1 of this section shall, upon conviction, be punished by a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this section by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.

4. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, was declared perfected and ordered printed.

Senator Sims moved that **SB 923**, **SB 828**, **SB 876**, **SB 694** and **SB 736**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 923**, **828**, **876**, **694** and **736**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 923, 828, 876, 694 and 736

An Act to repeal sections 210.906, 211.183 and 630.605, RSMo, and to enact in lieu thereof four new sections relating to foster care, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **SBs 923, 828, 876, 694 and 736** be adopted.

Senator Sims offered **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 923, 828, 876, 694 & 736

An Act to repeal sections 210.145, 210.906, 211.031, 211.181, 211.183, 294.011, 294.024, 294.030, 294.043, 294.060, 294.090, 294.121, 294.141 and 452.402, RSMo, and to enact in lieu thereof sixteen new sections relating to children and families, with penalty provisions.

Senator Sims moved that **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736** be adopted.

Senator Steelman assumed the Chair.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"210.001. 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

- (1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;
- (2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;
- (3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

- (1) The St. Louis City child assessment center;
- (2) The St. Louis County child assessment center;
- (3) The Jackson County child assessment center;
- (4) The Buchanan County child assessment center;
- (5) The Greene County and Lakes Area child assessment center;

(6) The Boone County child assessment center;

(7) The Joplin child assessment center;

(8) The St. Charles County child assessment center;

(9) The Jefferson County child assessment center;

(10) The Pettis County child assessment center; [and]

(11) The southeast Missouri child assessment center; **and**

(12) The Camden County child assessment center, provided the other approved assessment centers included in this section submit to the department of social services a modified funding formula for all approved child assessment centers, which would require no additional state funding."; and

Further amend the title and enacting clause accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"193.125. 1. For each adoption decreed by a court of competent jurisdiction in this state, the court shall require the preparation of a certificate of decree of adoption on a form as prescribed and furnished by the state registrar. The certificate of decree of adoption shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted, and shall provide information necessary to establish a new certificate of birth of the person adopted and shall identify the court and county of the adoption and be certified by the clerk of the court. The state registrar shall file the original certificate of birth with the certificate of decree of adoption and such file may be opened by the state registrar only upon receipt of a certified copy of an order as decreed by the court of adoption **or pursuant to subsection 2 of this section.**

2. Upon receipt of a written application to the state registrar, and unless a written prohibition exists against the release of records, any adopted person fifty years of age or older born in the state of Missouri shall be issued a certified copy of his or her unaltered, original and unamended certificate of birth in the custody of the state registrar, with procedures, filing fees and waiting periods identical to those imposed upon nonadopted citizens of the state of Missouri. If the state registrar has no records on the adopted person, the state registrar shall certify such information to the requesting person within thirty days. Within sixty days following a written request of the adopted person accompanied by a copy of the certification from the state registrar, any circuit court in possession of such records shall provide copies of the records to the adopted person. Nothing in this subsection shall be construed as violating the provisions of section 453.121, RSMo.

[2.] **3.** Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or the petitioner's attorney. The social welfare agency or any person having knowledge of the facts shall supply the court with such additional information as may be necessary to complete the report. The provision of such information shall be prerequisite to the issuance of a final decree in the matter by the court.

[3.] **4.** Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a report thereof, which shall include such facts as are necessary to identify the original adoption report and the facts amended in the adoption decree as shall be necessary to properly amend the birth record.

[4.] **5.** Not later than the fifteenth day of each calendar month or more frequently as directed by the state registrar the clerk of the court shall forward to the state registrar reports of decrees of adoption, annulment of adoption and amendments of decrees of adoption which were entered in the preceding month, together with such related reports as the state registrar shall require.

[5.] **6.** When the state registrar shall receive a report of adoption, annulment of adoption, or amendment of a decree of adoption for a person born outside this state, he or she shall forward such report to the state registrar in the state of birth.

[6.] **7.** In a case of adoption in this state of a person not born in any state, territory or possession of the United States or country not covered by interchange agreements, the state registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in the name of the adopted person, as decreed by the court **or written application to the state registrar by adoptees fifty years of age or older as provided in subsection 2 of this section.** The state registrar shall file the certificate of the decree of adoption, and such documents may be opened by the state registrar only by an order of court. The birth certificate prepared [under] **pursuant to** this subsection shall have the same legal weight as evidence as a delayed or altered birth certificate as provided in section 193.235.

[7.] **8.** The department, upon receipt of proof that a person has been adopted by a Missouri resident pursuant to laws of countries other than the United States, shall prepare a birth certificate in the name of the adopted person as decreed by the court of such country. If such proof contains the surname of either adoptive parent, the department of health and senior services shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of the name of the adopted person shall be made by a court of competent jurisdiction. The proof of adoption required by the department shall include a copy of the original birth certificate and adoption decree, an English translation of such birth certificate and adoption decree, and a copy of the approval of the immigration of the adopted person by the Immigration and Naturalization Service of the United States government which shows the child lawfully entered the United States. The authenticity of the translation of the birth certificate and adoption decree required by this subsection shall be sworn to by the translator in a notarized document. The state registrar shall file such documents received by the department relating to such adoption and such documents may be opened by the state registrar only by an order of a court **or written application to the state registrar by adoptees fifty years of age or older as provided in subsection 2 of this section.** A birth certificate pursuant to this subsection shall be issued upon request of one of the adoptive parents of such adopted person or upon request of the adopted person if of legal age. The birth certificate prepared pursuant to the provisions of this subsection shall have the same legal weight as evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

[8.] **9.** If no certificate of birth is on file for the person under twelve years of age who has been adopted, a belated certificate of birth shall be filed with the state registrar as provided in sections 193.005 to 193.325 before a new birth record is to be established as result of adoption. A new certificate is to be established on the basis of the adoption [under] **pursuant to** this section and shall be prepared on a standard certificate of live birth form.

[9.] **10.** If no certificate of birth has been filed for a person twelve years of age or older who has been adopted, a new birth certificate is to be established [under] **pursuant to** this section upon receipt of proof of adoption as required by the department. A new certificate shall be prepared in the name of the adopted person as decreed by the court, registering adopted parents' names. The new certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed in a sealed file and shall not be subject to inspection except upon an order of the court.

193.255. 1. The state registrar and other custodians of vital records authorized by the state registrar to issue certified copies of vital records upon receipt of application shall issue a certified copy of any vital record in [his] **the registrar's** custody or a part thereof to any applicant having a direct and tangible interest in the vital record, **including an adopted person fifty years of age or older as provided for in section 193.125.** Each copy issued shall show the date of registration, and copies issued from records marked "Delayed" or "Amended" shall be similarly marked and show the effective date. The documentary evidence used to establish a delayed certificate shall be shown on all copies issued. All forms and procedures used in the issuance of certified copies of vital records in the state shall be provided or approved by the state registrar.

2. A certified copy of a vital record or any part thereof, issued in accordance with subsection 1 of this section, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

3. The federal agency responsible for national vital statistics may be furnished such copies or data from the system of vital statistics as it may require for national statistics, provided such federal agency share in the cost of collecting, processing, and transmitting such data, and provided further that such data shall not be used for other than statistical purposes by the federal agency unless so authorized by the state registrar.

4. Federal, state, local and other public or private agencies may, upon request, be furnished copies or data of any other vital statistics not obtainable [under] **pursuant to** subsection 1 of this section for statistical or administrative purposes upon such terms or conditions as may be prescribed by regulation, provided that such copies or data shall not be used for purposes other than those for which they were requested unless so authorized by the state registrar.

5. The state registrar may, by agreement, transmit copies of records and other reports required by sections 193.005 to 193.325 to offices of vital statistics outside this state when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. This agreement shall require that the copies be used for statistical and administrative purposes only, and the agreement shall further provide for the retention and disposition of such copies. Copies received by the department from offices of vital statistics in other states shall be handled in the same manner as prescribed in this section.

6. No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized herein or by regulations adopted hereunder."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

President Maxwell assumed the Chair.

Senator Caskey offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 2, Section 193.125, Line 10, by inserting after all of said line the following: "**An adoptive parent or biological parent may file a written prohibition against the release of records at any time.**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator House moved that the above amendment, as amended, be adopted, which motion prevailed.

Senator Cauthorn offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 12, Section 210.906, Line 28 of said page, by inserting after all of said line the following:

"210.960. 1. There is hereby established within the department of public safety the "Office of Child Protection

Information" which shall answer questions, assist with procedural issues, monitor personnel, and help solve the grievances of persons with children who have received or are receiving child protective services.

2. The office shall be administered by a state ombudsman.

3. The office shall establish and implement procedures for receiving, processing, responding to questions, assisting with procedural issues, monitoring personnel, and resolving complaints made by persons with children who have received or are receiving child protective services relating to action, inaction, or decisions of social services agencies, juvenile officers, law enforcement, and the courts as deemed appropriate by the advisory commission established in section 210.963. Any investigation or complaint regarding personnel that is determined by the office to be substantiated shall be reported to the appropriate supervisors for such personnel.

4. The office shall establish and implement procedures for resolution of complaints.

5. The office shall acknowledge questions and complaints, report any findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The office shall analyze and monitor the development and implementation of federal, state, and local laws, rules, and policies with respect to child protective services in the state and shall recommend to the general assembly and department changes in such laws, rules, and policies deemed by the office to be appropriate.

7. The office shall develop and propose statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of ombudsman volunteers.

8. The office shall develop and propose programs for use, training, and coordination of volunteers and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings, and other programs for volunteers;

(3) Supply personnel, written materials, and such other reasonable assistance, including publicizing their activities, as may be deemed necessary; and

(4) Coordinate and cooperate with court appointed special advocates.

9. The office shall prepare a written notice setting forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint, and other pertinent information. At the time a child is taken into protective custody, such written notice shall be provided by a department employee, law enforcement, or juvenile officer to the person from whom custody of the child is being taken.

210.963. 1. The office of child protection information shall be advised by a "Child Protection Information Advisory Commission" which is hereby created and shall be comprised of eleven members. Two members shall be appointed by the director of the department of social services, one of whom shall be a frontline child protective services worker, and nine members shall be appointed by the director of the department of public safety, with three members appointed to represent the public, one member appointed to represent law enforcement, two members appointed to represent juvenile officers, two members appointed to represent parents with children who have received child protective services, and two members appointed to represent child care facilities. The director of the department of public safety shall appoint impartial members who will thoroughly and fairly review the actions of the state in the investigation of alleged child abuse and neglect cases and the provision of child protective services.

2. The term of office for members shall be four years; except that of those first appointed, three members shall be appointed to two-year terms, three members shall be appointed to three-year terms, and three members shall be appointed to four-year terms. Members appointed shall serve until their successors are duly appointed

and qualified and vacancies shall be filled by appointment for the remaining portion of the unexpired term created by the vacancy.

3. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties while in attendance at committee meetings.

4. The commission shall:

(1) Assist the office of child protection information with policy issues and the development of an ombudsman program to ensure statewide consistency in addressing grievances of and the dissemination of information to persons with children who have received or are receiving child protective services;

(2) Evaluate the impact of the state laws related to child protective services and the rules promulgated thereunder on the children who have received or are receiving child protective services and their families;

(3) Review and assess the impact of enforcement policies on children who have received or are receiving child protective services and their families;

(4) Recommend to the departments, law enforcement, juvenile officers, the courts, and the general assembly, as appropriate, changes in procedure, rules, or law which would facilitate child protective services procedures including an expedited review of substantiated cases;

(5) Conduct hearings, determine facts, and make inquiries consistent with the purposes of this section; and

(6) Prepare an annual report for the general assembly detailing any relevant information, statistics, and recommendations, including but not limited to information on the number of children involved in actions by the office, the number of complaints received, average length of stay in foster care by county, number of homes each child enters and any abuses by officials.

210.965. 1. Any files maintained by the office of child protection information and the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files; except that the identity of any complainant or child shall not be disclosed by such ombudsman unless:

(1) Such complainant or the child's parent or legal guardian consents in writing to such disclosure;

(2) The immediate health, safety, or welfare of such child requires such disclosure; or

(3) Such disclosure is required by court order.

2. Any representative of the office conducting or participating in any examination of a question or complaint who shall knowingly and willfully disclose to any person other than the office, or those authorized by the office to receive such question or complaint, the name of any witness examined or any information obtained or given upon such examination, shall be guilty of a class A misdemeanor.

3. Any statement or communication made by the office relevant to a question or complaint received by, proceedings before or activities of the office, and any complaint or information made or provided in good faith by any person, shall be absolutely privileged and such person shall be immune from suit.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 210.960 to 210.965, or where otherwise required by court order."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

"135.327. 1. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.

4. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section [to a for-profit entity] shall be at a discount rate of seventy-five percent or greater of the amount sold."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

"28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary of state as follows:

For issuing commission to notary public \$15.00

For countersigning and sealing certificates of

official character 10.00

For all other certificates 5.00

For copying archive and state library records,
papers or documents, for each page 8 1/2 x 14
inches and smaller, not more than .10

For duplicating microfilm, for each roll 15.00

For copying all other records, papers or documents,
for each page 8 1/2 x 14 inches and
smaller, not more than[.] .10

For certifying copies of records and papers or
documents 5.00

For causing service of process to be made 10.00

For electronic telephone transmittal, per page 2.00

2. There is hereby established the "Secretary of State's Technology Trust Fund Account" which shall be administered by the state treasurer. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the secretary of state's technology trust fund account shall be credited by the state treasurer to the account. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in excess of five million dollars shall be transferred to general revenue.

3. The secretary of state may collect an additional fee of ten dollars for the issuance of new and renewal notary commissions which shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account.

4. The secretary of state may ask the general assembly to appropriate funds from the technology trust fund for the purposes of establishing, procuring, developing, modernizing and maintaining:

- (1) An electronic data processing system and programs capable of maintaining a centralized database of all registered voters in the state;
- (2) Library services offered to the citizens of this state;
- (3) Administrative rules services, equipment and functions;
- (4) Services, equipment and functions relating to securities;
- (5) Services, equipment and functions relating to corporations and business organizations;
- (6) Services, equipment and functions relating to the Uniform Commercial Code;
- (7) Services, equipment and functions relating to archives; and
- (8) Services, equipment and functions relating to record services.

5. Notwithstanding any provision of this section to the contrary, the secretary of state shall not collect fees, for

processing apostilles, certifications and authentications prior to the placement of a child for adoption, in excess of one hundred dollars per child per adoption, or per multiple children to be adopted at the same time."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 8, Section 210.145, Line 8, by inserting after all of said line the following:

"210.516. 1. It shall be unlawful for any person to establish, maintain, or operate a foster home, residential care facility, or child placing agency, or to advertise or hold himself out as being able to perform any of the services as defined in sections 210.481 to 210.536, without having in full force and effect a license issued by the division; provided, however, that nothing in sections 210.481 to 210.536 shall apply to:

- (1) Any residential care facility operated by a person in which the care provided is in conjunction with an educational program for which a tuition is charged and completion of the program results in meeting requirements for a diploma recognized by the state department of elementary and secondary education;
- (2) Any camp, hospital, sanitarium, or home which is conducted in good faith primarily to provide recreation, medical treatment, or nursing or convalescent care for children;
- (3) Any person who receives free of charge, and not as a business, for periods of time not exceeding ninety consecutive days, the child of personal friends of such person as an occasional and personal guest, and who receives custody of no other unrelated child;
- (4) Any child placing agency operated by the department of mental health or any foster home or residential care facility operated or licensed by the department of mental health under sections 630.705 to 630.760, RSMo, which provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo;
- (5) Any foster home arrangement established and operated by any well-known religious order or church and any residential care facility or child placement agency operated by such organization, **provided that all such facilities, homes, or agencies are accredited by a nationally recognized organization or accredited by an organization incorporated in Missouri that has adopted bylaws and rules which are adhered to by such facilities, homes or agencies, and are registered with the department of health and senior services and can show proof of compliance with all department of health and senior services sanitation standards and compliance with fire code standards recognized by the division of fire safety;** or
- (6) Any institution or agency maintained or operated by the state, city or county.

2. The division shall not require any foster home, residential care facility, or child placing agency which believes itself exempt from licensure as provided in subsection 1 of this section to submit any documentation in support of the claimed exemption; however said foster home, residential care facility, or child placing agency is not precluded from furnishing such documentation if it chooses to do so.";

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 35, Section 294.121, Line 19 of said page, by inserting immediately after said line the following:

"8. Notwithstanding any provision of law to the contrary, all penalties, forfeitures and fines, whether administrative or civil, collected by the state of Missouri, or any official, department, division or agency of the state pursuant to chapter 294 shall be distributed to the county school funds as provided in article IX, section 7 of the constitution."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 9, Section 210.566, Line 26 of said page, by deleting the words ", values" on said line.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 37, Section 452.402, Line 17, by inserting after said line:

"Section 1. The changes in provisions of subdivision (5) of subsection 1 of section 210.516 shall not go into effect until January 1, 2005."

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, the above amendment was withdrawn.

Having voted on the prevailing side, Senator Gross moved that the vote by which **SA 6** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Goode
Gross	House	Johnson	Kinder
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Steelman
Stoll	Westfall	Yeckel--23	

NAYS--Senators

Bentley	Dougherty	Jacob	Kennedy
Wiggins--5			

Absent--Senators

DePasco	Singleton	Staples--3
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Absent with leave--Senators

Kenney	Klarich	Schneider--3
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SA 6 was again taken up.

At the request of Senator Bentley, **SA 6** was withdrawn.

Senator Sims moved that **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gilbert G. Adkins, Jr., Democrat, 203 Bluebird Lane, Lebanon, Laclede County, Missouri 65536, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 184.827.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Emmett W. Fairfax, 27248 Goodwill Chapel Road, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2005, and until his successor is duly appointed and qualified; vice, Joseph J. Frank, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Erin S. Hampton, 6085 County Road 743, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri Board for Occupational Therapy, for a term ending December 11, 2004, and until her successor is duly appointed and qualified; vice, Karen Hamlet, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harvey A. Harris, 31 Westmoreland Place, St. Louis City, Missouri 63108, as a member of the Bi-State Development Agency, for a term ending November 10, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John J. Kang, 290 Bellington Lane, St. Louis, St. Louis County, Missouri 63141, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2004, and until his successor is duly appointed and qualified; vice, Deborah Horton, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joyce M. Theard, Democrat, 14475 Avocado Lane, Florissant, St. Louis County, Missouri 63034, as a member of the State Milk Board, for a term ending September 28, 2005, and until her successor is duly appointed and qualified; vice, Barry Drucker, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Wheeler-Jones, Democrat, 4115 Sacramento Avenue, St. Louis City, Missouri 63115, as a public member of the Missouri Board for Respiratory Care, for a term ending April 3, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Tia Marie Straight for the Advisory Commission for Dental Hygienists, submitted to you on April 4, 2002. Line 1 should be amended to read:

Tia Marie Strait, 211 North Garrison, Carthage, Jasper County, Missouri 64836Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1115** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1115**.

REPORTS OF STANDING COMMITTEES

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 1918**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HB 1093**, **HB 1094**, **HB 1159**, **HB 1204**, **HB 1242**, **HB 1272**, **HB 1391**, **HB 1397**, **HB 1411**, **HB 1624**, **HB 1632**, **HB 1714**, **HB 1755**, **HB 1778**, **HB 1779**, **HB 1852**, **HB 1862**, **HB 2025** and **HB 2123**, begs leave to report that it has considered the same and recommends that the

Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HB 1141, HB 1400, HB 1645, HB 1745** and **HB 2026**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HB 1205, HB 1214, HB 1314, HB 1320, HB 1504, HB 1788, HB 1867** and **HB 1969**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1075**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 2032**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 2062**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1789**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1643**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 2087**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Gross, Chairman of the Committee on Pensions and General Laws, Senator Sims submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1191**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1898**--Ways and Means.

HS for **HCS** for **HB 1392**--Ways and Means.

HS for **HB 1455**--Pensions and General Laws.

HB 1773--Local Government and Economic Development.

HB 1489--Judiciary.

HCS for **HB 1443**--Aging, Families and Mental Health.

HCS for **HB 1692**--Local Government and Economic Development.

HB 1488--Transportation.

HB 1850--Civil and Criminal Jurisprudence.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolutions were read the 2nd time and referred to the Committees indicated:

SCR 61--Rules, Joint Rules, Resolutions and Ethics.

SCR 62--Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Steelman offered Senate Resolution

No. 1483, regarding Danielle Reese, Cabool, which was adopted.

Senator Steelman offered Senate Resolution No. 1484, regarding Josh Holloway, Rolla, which was adopted.

Senator Caskey offered Senate Resolution No. 1485, regarding Jan C. Barrett, Houston, Texas, which was adopted.

On motion of Senator Sims, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1425

HS for HCS for HB 1877-Foley

HCS for HBs 1344 & 1944

HS for HCS for HB 1440-Riback Wilson

HS for HB 1496-Green (73)

HCS for HB 1689

HB 1926-Fraser, et al

HB 1679-Crump

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,

866, 972 & 990-Cauthorn

(In Budget Control)

SCS for SBs 894, 975 & 927-Kinder

(In Budget Control)

SS for SCS for SBs 670 &

684-Sims

(In Budget Control)

SS for SCS for SB 884-

DePasco

SS for SCS for SB 1059-Bentley

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 676-Yeckel, et al,

with SCS

2. SB 900-Goode, et al,

with SCS

3. SB 1107-Childers, with SCS

4. SB 912-Mathewson,

with SCS

5. SB 892-Kenney, with SCS

6. SB 910-Gibbons

7. SB 1104-Mathewson

8. SB 954-Loudon, with SCS

9. SB 1014-Klindt and Kinder

10. SB 1152-Klarich, with SCS

11. SBs 766, 1120 & 1121-Steelman,

with SCS

12. SB 926-Kenney, et al,

with SCS

13. SB 1140-Rohrbach

14. SBs 1112 & 854-Caskey

and Russell, with SCS

15. SB 1111-Quick, with SCS
16. SB 689-Gibbons, et al,
with SCS
17. SB 938-Cauthorn, et al
18. SB 1087-Gibbons,
et al, with SCS
19. SBs 1279, 1162 & 1164-
Kinder and Wiggins, with SCS
20. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2
21. SB 971-Klindt, et al,
with SCS
22. SBs 1063 & 827-Rohrbach
and Kenney, with SCS
23. SB 1010-Sims
24. SRB 1236-Rohrbach
25. SB 1026-Kenney, et al,
with SCS
26. SB 1157-Klindt, with SCS
27. SBs 1095 & 1195-
Cauthorn, with SCS
28. SB 1232-Singleton
29. SB 1206-Bentley and Stoll
30. SB 878-Sims, with SCS
31. SB 1060-Westfall,
with SCS
32. SB 1205-Yeckel

- 33. SB 1040-Gibbons, et al,
with SCS
- 34. SB 1133-Gross, with
SCS
- 35. SB 1099-Childers,
with SCS
- 36. SB 739-Wiggins, with
SCS
- 37. SB 1105-Loudon
- 38. SB 735-Steelman and
Kinder, with SCS
- 39. SB 713-Singleton
- 40. SB 1191-Jacob

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 641 & 705-Russell, et al,
with SCS (pending)
- SB 647-Goode, with SCS (pending)
- SB 651-Singleton and
Russell, with SCS (pending)

- SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
- SB 660-Westfall, et al,

with SCS (pending)
SB 668-Bentley, with SS &
SA 1 (pending)
SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS, SS
for SCS & SA 1 (pending)
SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SBs 915, 710 & 907-
Westfall, et al, with
SCS & SA 2 (pending)
SB 1046-Gross and House,
with SCS (pending)
SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending)
SB 1103-Westfall, et al,
with SA 2 (pending)
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 2120-Ridgeway and

Hosmer, with SCS

HB 1955-Hilgemann, et al,

with SCS

HB 1659-Kelly (27)

HB 1537-Clayton, with SCS

(Klarich)

HB 1814-Monaco, et al,

with SCA 1

HB 1715-Moore, et al

HB 1768-Hosmer, et al,

with SCA 1 (Klarich)

HB 1895-Carnahan, et al

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,

with SCS

HB 1148-Ross

HB 1580-Barnett

HB 1811-Gambaro, with SCS

(Dougherty)

HB 1839-Seigfreid

HB 1846-Scott, with SCS

HB 1849-Barnitz and

Overschmidt, with SCS

HB 1861-Burcham

HB 1982-Richardson (Foster)

HB 2002-Farnen and Naeger

HB 2018-Bartle, et al

HB 2039-Kreider

HB 2064-Walton, et al

HB 2130-Boykins, et al

HB 2047-Ransdall, et al, with SCS

HB 2022-Richardson, with

SCS (Stoll)

HB 1973-Bowman

HB 1515-Burton

HB 1477-Farnen, with SCS

HB 1406-Barnett, with SCS

(Klindt)

HB 1964-Gambaro, with SCS

(Yeckel)

HB 1635-Hoppe, with SCS

HB 2009-O'Connor, with SCS

HB 1838-Hosmer

HB 1085-Mays (50)

HB 1548-Barry, with SCS

HB 1812-Riback Wilson

(Sims)

HB 1781-Green (73) and Ladd Baker

HB 1783-Lowe, et al, with SCS

HB 1636-Hoppe, with SCS

HB 1840-Seigfreid

HB 1032-Portwood

HB 1313-Burton, with SCS

HB 1937-Barry, with SCA 1

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al

HB 1921-Green (73), with SCS

HB 2117-Boucher (Caskey)

HB 1086-Harlan, with SCS

(House)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus

(Yeckel)

HB 1342-Farnen

HB 1668-Holt, et al

HB 1822-Walton

HB 1492-Seigfreid, with SCS

HB 1495-Seigfreid, with SCS

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al, with SCS

HB 1674-O'Toole and

Dempsey

HB 1890-Hilgemann, et al,
with SCS

HB 1837-Berkowitz, et al,
with SCS

HB 1518-Luetkenhaus

HB 1568-Luetkenhaus, with SCS

HB 1446-Luetkenhaus, with
SCS (Kenney)

HB 1381-Luetkenhaus, with
SCS (Rohrbach)

HB 1701-Luetkenhaus and
Ward, with SCS

HB 1468-Ward, with SCS
(Loudon)

HB 1473-Green (15), et al,
with SCS

HB 1918-Koller, with SCS

HBs 1093, 1094, 1159, 1204,
1242, 1272, 1391, 1397,
1411, 1624, 1632, 1714,
1755, 1778, 1779, 1852,
1862, 2025 & 2123-Relford,
with SCS

HBs 1141, 1400, 1645, 1745
& 2026-Naeger, with SCS

HBs 1205, 1214, 1314, 1320,
1504, 1788, 1867 &
1969-Seigfreid and

Relford, with SCS

HB 1075-Nordwald

HB 2032-Hosmer, with SCS

HB 2062-Hosmer, et al

HB 1789-Ross, et al, with SCS

HB 1643-Holand and Barry

HB 2087-Whorton, et al,

with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS

(Russell)

(House adopted CCR

and passed CCS)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds

(Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FOURTH DAY--TUESDAY, APRIL 16, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"Sometimes God must sit back and let us try to work it out so that when we ask his assistance we will better understand the miracle he performs for us." (Carl D. Windsor)

Gracious God, we are sometimes very slow to come to You for help and often it is after we have tried so hard to do things on our own and failed that we recognize the help we need that only You can provide. So be with us this day and hear our prayer for Your presence and guidance in all we do this day. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KOMU-TV, KMIZ-TV and JCHS Red and Black were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 1486, regarding Lyn Brunner, Washington, which was adopted.

Senator Childers offered Senate Resolution No. 1487, regarding Jan Kirsch, Kimberling City, which was adopted.

Senator Childers offered Senate Resolution No. 1488, regarding Barbara Anglum, Kimberling City, which was

adopted.

Senator Childers offered Senate Resolution No. 1489, regarding Mariann Bruckner, Branson, which was adopted.

Senator House offered Senate Resolution No. 1490, regarding Brian Malone, which was adopted.

Senator Jacob offered Senate Resolution No. 1491, regarding The Staff for Life Helicopter Service, Columbia, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 676**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 676**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 676

An Act to repeal sections 42.170, 42.175, 42.185 and 313.835, RSMo, relating to veterans, and to enact in lieu thereof four new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 676** be adopted.

At the request of Senator Yeckel, **SB 676**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marilyn K. Bush, 7910 Grantwood Cove Lane, St. Louis, St. Louis County, Missouri 63123, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2006, and until her successor is duly appointed and qualified; vice, Ann Dickinson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Tina A. Odo, Republican, 19242 Saint Albans Valley Drive, Glencoe, St. Louis County, Missouri 63038, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2003, and until her successor is duly appointed and qualified; vice, John Wild, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jun Oizumi, M.D., Ph.D., 4476 Greenwich Court C2, St. Louis, St. Louis County, Missouri 63108, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, Helmut Haibach, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Javier M. Perez, Jr., 923 West 33rd Street, Kansas City, Jackson County, Missouri 64111, as a member of the Board of Police Commissioners for Kansas City, for a term ending March 7, 2005, and until his successor is duly appointed and qualified; vice, Joseph Mulvihill, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Glennon Polete, Republican, 717 Valley Brook Drive, Farmington, St. Francois County, Missouri 63640, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2003, and until his successor is duly appointed and qualified; vice, Linda Blake Seillers, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1005**; **SCS** for **SBs 662** and **704**; **SS No. 2** for **SCS** for **SBs 984** and **985**; and **SCS** for **SBs 958** and **657**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1492, regarding Dorthella "Pete" McPhail, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 1493, regarding the United States Seagoing Marine Association, which was adopted.

Senator Yeckel offered Senate Resolution No. 1494, regarding Brett Stephen Callies, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 1495, regarding the Sappington-Concord Historical Society, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1496, regarding John C. Hilton, Lebanon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1497, regarding David C. Weidler, Oakville, which was adopted.

Senator Sims offered Senate Resolution No. 1498, regarding the Honorable Samuel J. Hais, Associate Circuit Judge in the 21st Judicial Circuit, St. Louis County, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 884**, introduced by Senator DePasco, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 884

An Act to repeal section 408.500, RSMo, and to enact in lieu thereof three new sections relating to restrictions on payday loans, with penalty provisions.

Was taken up.

On motion of Senator DePasco, **SS** for **SCS** for **SB 884** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Steelman
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Jacob	Schneider
Singleton	Staples	Stoll--7	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 900**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 900**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 900

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to aggregate purchase of natural gas by school districts, with an emergency clause.

Was taken up.

Senator Goode moved that **SCS** for **SB 900** be adopted.

Senator Goode offered **SS** for **SCS** for **SB 900**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 900

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to aggregate purchase of natural gas by eligible school entities, with an emergency clause.

Senator Goode moved that **SS** for **SCS** for **SB 900** be adopted.

Senator Gibbons assumed the Chair.

Senate Bland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 900, Page 1, Section A, by inserting after all of said section the following:

"393.143. Notwithstanding any provisions of sections 393.130 and 393.140 to the contrary, the commission shall have the authority and discretion for good cause shown, upon notice and after an on-the-record hearing, unless waived, to direct that sums representing unauthorized use charges, penalties, or refunds from interstate or intrastate pipeline, including interest on such sums, received by a gas corporation, as well as any penalties resulting from the violation of a gas corporation's tariffs, be allocated among ratepayers in such manner as the commission finds to be in the public interest."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

President Pro Tem Kinder assumed the Chair.

Senator Goode moved that **SS** for **SCS** for **SB 900**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SCS** for **SB 900**, as amended, was declared perfected and ordered printed.

Senator Yeckel moved that **SB 676**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 676** was again taken up.

Senator Bentley offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 676, Page 10, Section 313.835, Line 233, by striking the word "2007" and inserting in lieu thereof "2006".

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SCS** for **SB 676**, as amended, be adopted, which motion prevailed.

Senator DePasco requested a roll call vote be taken on the perfection of **SCS** for **SB 676**, as amended, and was joined in his request by Senators House, Loudon, Singleton and Stoll.

SCS for **SB 676**, as amended, was declared perfected and ordered printed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Foster	Gibbons	Goode	Gross
Kenney	Kinder	Klindt	Loudon
Mathewson	Rohrbach	Russell	Steelman
Stoll	Yeckel-- 18		
NAYS--Senators			
Bentley	DePasco	Dougherty	House
Jacob	Johnson	Kennedy	Klarich
Quick	Schneider	Sims	Singleton
Westfall	Wiggins-- 14		
Absent--Senators			
Bland	Staples-- 2		
Absent with leave--Senators--None			

Senator Childers moved that **SB 1107**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1107**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1107

An Act to repeal sections 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185 and 190.196, RSMo, relating to provisions of emergency medical services, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Childers moved that **SCS** for **SB 1107** be adopted.

Senator Childers offered **SS** for **SCS** for **SB 1107**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1107

An Act to repeal sections 190.044, 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185 and 190. 196, RSMo, relating to provisions of emergency services, and to enact in lieu thereof twenty-nine new sections relating to the same subject, with penalty provisions.

Senator Childers moved that **SS** for **SCS** for **SB 1107** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 43, Section 190.528, Lines 2-25, by striking all of said lines; and

Further amend by renumbering the remaining subsections accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 50, Section 190.537, Line 15 of said page, by inserting after all of said line the following:

"321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least two years [prior to his] **before the** election or appointment and be over the age of twenty-five years; except as provided in subsections 2 and 3 of this section. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the [county in which the] district [is located] for more than two years [prior to his] **before the** election or appointment, except that for the first board of directors in such district, a person need only be a voter of the [county in which the] district [is located] for one year [prior to his] **before the** election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that [he] **such person** possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have [his] **the candidate's** name placed on the ballot as a candidate for director."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 44, Section 190.528, Line 9, by deleting the words "admission or" on said line.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Loudon assumed the Chair.

Senator Singleton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 31, Section 190.142, Line 12, by deleting the "; and" and further amend said page and section, line 14 by deleting "period" on said line and adding "; and" and further add the following:

(3) In an emergency situation providing pre-hospital care, or during continued emergency care in a health care facility, notwithstanding other provisions of law.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Pages 49-50, Section 190.534, Lines 27-29 on Page 49 and Lines 1-3 on Page 50 by deleting said lines.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 19, Section 190.100, Line 11 of said page, by inserting after all of said line the following:

"190.101. 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of fifteen members. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, **air ambulance**, physicians, ambulance service administrators, hospital

administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the council.

5. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

190.102. 1. The department shall designate through regulation EMS regions and committees. The purpose of the regional EMS advisory committees is to advise and make recommendations to the region and the department on:

(1) Coordination of emergency resources in the region;

(2) Improvement of public and professional education;

(3) Cooperative research endeavors;

(4) Development of standards, protocols and policies; and

(5) Voluntary multiagency quality improvement committee and process.

2. The members of the committees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the committees.

3. The director will appoint personnel to no less than six regional EMS committees from recommendations provided by recognized professional organizations. Appointments will be for four years with individuals serving until reappointed or replaced. **At least one member of each regional EMS committee shall be associated with an air ambulance service, which is accredited by a nationally recognized air ambulance accrediting organization.**"; and

Further amend said bill, page 24, Section 190.108, line 19 of said page, by inserting immediately after said line the following:

"5. Prior to the first day of January of the year 2003, and every five years thereafter, the department shall, by rule and regulation, adopt standards which substantially include the criteria which the department determines is relevant for the following topics: general standards including capabilities and resources of the service, medical personnel, medical director, medical control physician, clinical care supervisor, staffing and physical requirements, mission types, initial and continuing education, aircraft or ambulance section, medical configurations, operational issues, equipment, communications, management and administration, management or policies, quality management, safety committee and infection control; rotorwing standards including FAA certificate, aircraft, weather and weather minimums, pilot staffing and training, maintenance, helipad, refueling and community outreach; fixed wing standards including FAA certificate, aircraft, weather, weather, pilot staffing and training, policies, maintenance, refueling and community outreach; and ground interfacility standards including vehicles, qualifications of drivers, maintenance and sanitation, mechanic and policies. Said organization or organizations shall evaluate compliance with accreditations standards in order to determine the accredited program's ability to deliver services of a specific quality. Said organization or organizations shall serve no less than twenty-five percent of the air ambulance services of the United States which are nationally accredited. No air ambulance provider shall be eligible for or receive Medicaid reimbursement, unless it has received

or renewed an air ambulance license."; and further amend line 20 of said page, by striking "5." and inserting in lieu

thereof the following: **"7. By rule and regulation, the department shall determine what provisions of sections 190.001 to 190.245 are substantially met by accreditation pursuant to subsections 5 and 6 of this section and waive said provisions for accredited air ambulance providers."**; and

Further amend said bill, page 30, Section 190.120, line 7 of said page, by inserting immediately after said line the following:

"5. Each licensed air ambulance provider shall carry a minimum of twenty million dollars in general liability insurance.

190.122. All aircraft used for air ambulance service and all personnel providing air ambulance services shall comply with all the requirements to provide advanced life support level of care."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Gibbons offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 19, Section 190.100, Line 11 of said page, by inserting after all of said line the following:

"190.101. 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of fifteen members. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, **air ambulance**, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the council.

5. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

190.102. 1. The department shall designate through regulation EMS regions and committees. The purpose of the regional EMS advisory committees is to advise and make recommendations to the region and the department on:

(1) Coordination of emergency resources in the region;

(2) Improvement of public and professional education;

(3) Cooperative research endeavors;

(4) Development of standards, protocols and policies; and

(5) Voluntary multiagency quality improvement committee and process.

2. The members of the committees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the committees.

3. The director will appoint personnel to no less than six regional EMS committees from recommendations provided by recognized professional organizations. Appointments will be for four years with individuals serving until reappointed or replaced. **At least one member of each regional EMS committee shall be associated with an air ambulance service, which is accredited by a nationally recognized air ambulance accrediting organization.**"; and

Further amend said bill, page 24, Section 190.108, line 19 of said page, by inserting immediately after said line the following:

"5. Prior to the first day of January of the year 2003, and every five years thereafter, the department shall, by rule and regulation, select one or more nationally recognized aeromedical transport accreditation organizations, the purpose of which is to improve the quality of patient care and safety of medical transport services. Said organization or organizations shall have accreditation standards which substantially include the criteria which the department determines is relevant for the following topics: general standards including capabilities and resources of the service, medical personnel, medical director, medical control physician, clinical care supervisor, staffing and physical requirements, mission types, initial and continuing education, aircraft or ambulance section, medical configurations, operational issues, equipment, communications, management and administration, management or policies, quality management, safety committee and infection control; rotorwing standards including FAA certificate, aircraft, weather and weather minimums, pilot staffing and training, maintenance, helipad, refueling and community outreach; fixed wing standards including FAA certificate, aircraft, weather, weather, pilot staffing and training, policies, maintenance, refueling and community outreach; and ground interfacility standards including vehicles, qualifications of drivers, maintenance and sanitation, mechanic and policies. Said organization or organizations shall evaluate compliance with accreditations standards in order to determine the accredited program's ability to deliver services of a specific quality. Said organization or organizations shall serve no less than twenty-five percent of the air ambulance services of the United States which are nationally accredited.

6. By rule and regulation, the department shall determine reasonably expeditious criterion that shall not exceed two years, for air ambulance services to demonstrate that they are seeking accreditation by the selected nationally recognized aeromedical transport accreditation organization or organizations. After the first day of June of the year 2003, no air ambulance provider shall be eligible for or receive Medicaid reimbursement, receive or renew an air ambulance license unless it has demonstrated to the department that it is accredited or has formally applied for accreditation by a select nationally recognized aeromedical transport accreditation organization or organizations."; and further amend line 20 of said page, by striking "5." and inserting in lieu thereof the following: **"7. By rule and regulation, the department shall determine what provisions of sections 190.001 to 190.245 are substantially met by accreditation pursuant to subsections 5 and 6 of this section and waive said provisions for accredited air ambulance providers."**; and

Further amend said bill, page 30, Section 190.120, line 7 of said page, by inserting immediately after said line the following:

"5. Each licensed air ambulance provider shall carry a minimum of twenty million dollars in general liability insurance, which shall include coverage for damage to building caused by the impact of an aircraft.

190.122. All aircraft used for air ambulance service and all personnel providing air ambulance services shall comply with all the requirements to provide advanced life support level of care."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Childers moved that **SS** for **SCS** for **SB 1107**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SS** for **SCS** for **SB 1107**, as amended, was declared perfected and ordered printed.

SB 912, with **SCS**, was placed on the Informal Calendar.

Senator Mathewson moved that **SB 912**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 912**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 912

An Act to repeal section 311.178, RSMo, relating to liquor licenses, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 912** be adopted.

Senator Mathewson offered **SS** for **SCS** for **SB 912**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 912

An Act to repeal section 311.178, RSMo, relating to liquor licenses, and to enact in lieu thereof one new section relating to the same subject.

Senator Mathewson moved that **SS** for **SCS** for **SB 912** be adopted.

Senator Singleton assumed the Chair.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 1, Section A, Line 3, by inserting after all of said line the following:

"311.070. 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents, shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for

consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, or 311.095.

2. Any distiller, wholesaler, winemaker or brewer who shall violate the provisions of subsection 1 of this section, or permit his employees, officers or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

- (1) For the first offense, by a fine of one thousand dollars;
- (2) For a second offense, by a fine of five thousand dollars; and
- (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of such person shall be revoked.

3. As used in this section, the following terms mean:

- (1) "Consumer advertising specialties", advertising items that are designed to be carried away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps and visors;
- (2) "Equipment and supplies", glassware (or similar containers made of other material), dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice. "Dispensing accessories" include standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;
- (3) "Point of sale advertising materials", advertising items designed to be used within a retail business establishment to attract consumer attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials include, but are not limited to: posters, placards, designs, inside signs (electric, mechanical or otherwise), window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars and alcoholic beverage lists or menus;
- (4) "Product display", wine racks, bins, barrels, casks, shelving or similar items the primary function of which is to hold and display consumer products;
- (5) "Promotion", an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker or brewer.

4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker or brewer, or their employees, officers or agents may engage in the following activities with a retail licensee licensed pursuant to this chapter or chapter 312, RSMo:

- (1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to a retail business if all of the following requirements are met:
 - (a) The total value of all product displays given or sold to a retail business shall not exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be no combining or pooling of the three hundred dollar limits to provide a retail business a product display in excess of three hundred dollars per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such product display. Transportation and installation costs shall be excluded;

(b) All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller, wholesaler, winemaker or brewer. The name and address of the retail business may appear on the product displays; and

(c) The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker or brewer on the retail business in order for such retail business to obtain the product display;

(2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker or brewer may give or sell any point of sale advertising materials and consumer advertising specialties to a retail business if all the following requirements are met:

(a) The total value of all point of sale advertising materials and consumer advertising specialties given or sold to a retail business shall not exceed five hundred dollars per year, per brand, per retail outlet. The value of point-of-sale advertising materials and consumer advertising specialties is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such item. Transportation and installation costs shall be excluded;

(b) All point-of-sale advertising materials and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer. The name, address and logos of the retail business may appear on the point-of-sale advertising materials or the consumer advertising specialties; and

(c) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the point-of-sale advertising materials or consumer advertising specialties or for any incidental expenses arising from their use or distribution;

(3) A malt beverage wholesaler or brewer may give a gift not to exceed a value of one thousand dollars per year, or sell something of value to a holder of a temporary permit as defined in section 311.482;

(4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a retail business if all the following requirements are met:

(a) The equipment and supplies shall be sold at a price not less than the cost to the distiller, wholesaler, winemaker or brewer who initially purchased such equipment and supplies; and

(b) The price charged for the equipment and supplies shall be collected in accordance with credit regulations as established in the code of state regulations;

(5) The distiller, wholesaler, winemaker or brewer may install dispensing accessories at the retail business establishment, which shall include for the purposes of intoxicating and nonintoxicating beer equipment to properly preserve and serve draught beer only and to facilitate the delivery to the retailer the brewers and wholesalers may lend, give, rent or sell and they may install or repair any of the following items or render to retail licensees any of the following services: beer coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways; and damage caused by any beer delivery excluding normal wear and tear and a complete record of equipment furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one year;

(6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell coil cleaning service to a retailer of distilled spirits, wine or malt beverages;

(7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a sample of distilled spirits or

wine as long as the retailer has not previously purchased the brand from that wholesaler, if all the following requirements are met:

- (a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of wine; if a particular product is not available in a size within the quantity limitations of this subsection, a wholesaler may furnish or give to a retailer the next larger size;
- (b) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer;
- (c) For the purposes of this subsection, no samples of intoxicating liquor provided to retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened on the premises of the retailer except as provided by the retail license;
- (d) For the purpose of this subsection, the word "brand" refers to differences in brand name of product or differences in nature of product; examples of different brands would be products having a difference in: brand name; class, type or kind designation; appellation of origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits); differences in packaging such a different style, type, size of container, or differences in color or design of a label are not considered different brands;
- (8) The distiller, wholesaler, winemaker or brewer may package and distribute intoxicating beverages in combination with other nonalcoholic items as originally packaged by the supplier for sale ultimately to consumers; notwithstanding any provision of law to the contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not required to charge for nonalcoholic items any more than the actual cost of purchasing such nonalcoholic items from the supplier;
- (9) The distiller, wholesaler, winemaker or brewer may sell or give the retail business newspaper cuts, mats or engraved blocks for use in the advertisements of the retail business;
- (10) The distiller, wholesaler, winemaker or brewer may in an advertisement list the names and addresses of two or more unaffiliated retail businesses selling its product if all of the following requirements are met:
 - (a) The advertisement shall not contain the retail price of the product;
 - (b) The listing of the retail businesses shall be the only reference to such retail businesses in the advertisement;
 - (c) The listing of the retail businesses shall be relatively inconspicuous in relation to the advertisement as a whole; and
 - (d) The advertisement shall not refer only to one retail business or only to a retail business controlled directly or indirectly by the same retail business;
- (11) Notwithstanding any other provision of law to the contrary, distillers, winemakers, wholesalers, brewers or retailers may conduct a local or national sweepstakes/contest upon a licensed retail premise. However, no money or something of value may be given to the retailer for the privilege or opportunity of conducting the sweepstakes or contest;
- (12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the retail business so long as the products of any other distiller, wholesaler, winemaker or brewer are not altered or disturbed;
- (13) The distiller, wholesaler, winemaker or brewer may provide a recommended shelf plan or shelf schematic for distilled spirits, wine or malt beverages;
- (14) The distiller, wholesaler, winemaker or brewer participating in the activities of a retail business association may do any of the following:

- (a) Display its products at a convention or trade show;
 - (b) Rent display booth space if the rental fee is the same paid by all others renting similar space at the association activity;
 - (c) Provide its own hospitality which is independent from the association activity;
 - (d) Purchase tickets to functions and pay registration fees if such purchase or payment is the same as that paid by all attendees, participants or exhibitors at the association activity; and
 - (e) Make payments for advertisements in programs or brochures issued by retail business associations at a convention or trade show if the total payments made for all such advertisements do not exceed three hundred dollars per year for any retail business association;
- (15) The distiller, wholesaler, winemaker or brewer may sell its other merchandise which does not consist of intoxicating beverages to a retail business if the following requirements are met:
- (a) The distiller, wholesaler, winemaker or brewer shall also be in business as a bona fide producer or vendor of such merchandise;
 - (b) The merchandise shall be sold at its fair market value;
 - (c) The merchandise is not sold in combination with distilled spirits, wines or malt beverages except as provided in this section;
 - (d) The acquisition or production costs of the merchandise shall appear on the purchase invoices or records of the distiller, wholesaler, winemaker or brewer; and
 - (e) The individual selling prices of merchandise and intoxicating beverages sold to a retail business in a single transaction shall be determined by commercial documents covering the sales transaction;
- (16) The distiller, wholesaler, winemaker or brewer may sell or give an outside sign to a retail business if the following requirements are met:
- (a) The sign shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer;
 - (b) The retail business shall not be compensated, directly or indirectly, for displaying the sign; and
 - (c) The cost of the sign shall not exceed four hundred dollars;
- (17) A wholesaler may, but shall not be required to, exchange for an equal quantity of identical product or allow credit against outstanding indebtedness for intoxicating liquor with alcohol content of less than five percent by weight or nonintoxicating beer that was delivered in a damaged condition or damaged while in the possession of the retailer;
- (18) To assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight or nonintoxicating beer in its undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an equal quantity of identical product;
- (19) In addition to withdrawals authorized pursuant to subdivision (18) of this subsection, to assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight and nonintoxicating beer in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product if:

- (a) The product is withdrawn at least thirty days after initial delivery and within twenty-one days of the date considered by the manufacturer of the product to be the date the product becomes inappropriate for sale to a consumer; and
- (b) The quantity of product withdrawn does not exceed the equivalent of twenty-five cases of twenty-four twelve-ounce containers; and
- (c) To assure and control product quality, a wholesaler may, but not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight or nonintoxicating beer, in a container with a capacity of four gallons or more, delivered but not used, if the wholesaler removes the product within seven days of the initial delivery; and**
- (20) Nothing in this section authorizes consignment sales.

5. All contracts entered into between distillers, brewers and winemakers, or their officers or directors, in any way concerning any of their products, obligating such retail dealers to buy or sell only the products of any such distillers, brewers or winemakers or obligating such retail dealers to buy or sell the major part of such products required by such retail vendors from any such distiller, brewer or winemaker, shall be void and unenforceable in any court in this state.

6. Notwithstanding any other provisions of this chapter to the contrary, a distiller or wholesaler may install dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits, equipment to properly preserve and serve premixed distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items or render to retail licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping equipment components, and damage caused by any delivery excluding normal wear and tear. A complete record of equipment furnished and installed and repairs or service made or rendered shall be kept by the distiller or wholesaler, furnishing, making or rendering the same for a period of not less than one year.

7. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, distillers, winemakers, brewers or their employees, or officers shall be permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable or religious organization as defined in section 313.005, RSMo, or an educational institution if such contributions are unrelated to such organization's retail operations.

8. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, a brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquors and nonintoxicating beer at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds.

9. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, for the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday."; and

Further amend said bill, section 311.178, page 4, line 13, by inserting after all of said line the following:

"311.680. 1. Whenever it shall be shown, or whenever the supervisor of liquor control has knowledge, that a person licensed hereunder has not at all times kept an orderly place or house, or has violated any of the provisions of this chapter, the supervisor of liquor control may, warn, place on probation on such terms and conditions as the supervisor of liquor control deems appropriate for a period not to exceed twelve months, suspend or revoke the license of that person, but the person shall have ten days' notice of the application to warn, place on probation, suspend or revoke the person's license prior to the order of warning, probation, revocation or suspension issuing.

2. Any wholesaler licensed pursuant to this chapter or chapter 312, RSMo, in lieu of, or in addition to, the warning, probation, suspension or revocation authorized in subsection 1 of this section, may be assessed a civil penalty by the supervisor of liquor control of not less than one hundred dollars or more than twenty-five hundred dollars for each violation.

3. Any solicitor licensed pursuant to this chapter or chapter 312, RSMo, in lieu of the suspension or revocation authorized in subsection 1 of this section, may be assessed a civil penalty or fine by the supervisor of liquor control of not less than one hundred dollars nor more than five thousand dollars for each violation.

4. Any retailer with less than five thousand occupant capacity licensed pursuant to this chapter or chapter 312, RSMo, in lieu of the suspension or revocation authorized by subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than one thousand dollars for each violation.

5. Any retailer with five thousand or more occupant capacity licensed pursuant to this chapter or chapter 312, RSMo, in lieu of the suspension or revocation authorized by subsection 1 of this section, may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than five thousand dollars for each violation.

6. Any aggrieved person may appeal to the administrative hearing commission in accordance with section 311.691.

7. In order to encourage the early resolution of disputes between the supervisor of liquor control and licensees, the supervisor of liquor control, prior to issuing an order of warning, probation, revocation, suspension, or fine, shall provide the licensee with the opportunity to meet or to confer with the supervisor of liquor control, or his or her designee, concerning the alleged violations. At least ten days prior to such meeting or conference, the supervisor shall provide the licensee with notice of the time and place of such meeting or conference, and the supervisor of liquor control shall also provide the licensee with a written description of the specific conduct for which discipline is sought, a citation of the law or rules allegedly violated, and, upon request, copies of any violation report or any other documents which are the basis for such action. Any order of warning, probation, revocation, suspension, or fine shall be effective no sooner than thirty days from the date of such order."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Loudon offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 1, Section 311.178, Line 12, of said page by inserting after the word "day" the following: **"; provided that any such permit holder shall stop selling intoxicating liquor by the drink at retail at 1:00 a.m."**.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, **SA 2** was withdrawn.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 4, Section 311.178, Line 13

by inserting after all of said line, the following:

"311.481. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink between the hours of 11:00 a.m. on Sunday and midnight on Sunday at retail for consumption on the premises of any airline club as described in the application. As used in this section, the term "airline club" shall mean an establishment located within an international airport and owned, leased, or operated by or on behalf of an airline, as a membership club and special services facility for passengers of such airline.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to each airline club in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a person licensed pursuant to this section shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees; except that the requirements other than fees pertaining to the sale of liquor by the drink on Sunday shall not apply.

Section B. Because immediate action is necessary to clarify the law relating to Sunday liquor sales in airline clubs, Section 311.481 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 4, Section 311.178, Line 13, by adding:

Section 1. No entity licensed pursuant to this chapter shall allow any gambling games known as keno or any similar game."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 912**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

Senator Kenney moved that **SB 892**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 892**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 892

An Act to repeal sections 214.270 and 214.387, RSMo, relating to cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Kenney moved that **SCS** for **SB 892** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SB 892** was declared perfected and ordered printed.

SB 910 was placed on the Informal Calendar.

Senator Mathewson moved that **SB 1104** be taken up for perfection, which motion prevailed.

On motion of Senator Mathewson, **SB 1104** was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 65

WHEREAS, the September 11, 2001, terrorist attacks have had a substantial impact on the American economy; and

WHEREAS, insurers estimate that their losses from the attacks could reach \$70 billion; and

WHEREAS, insurance coverage on the World Trade Center and the businesses in and around the Trade Center were multi-layered, and will affect insurers of all kinds, including: property-casualty, liability, workers' compensation, business interruption, life, health and reinsurance; and

WHEREAS, insurers are concerned that they cannot adequately or accurately price insurance coverage for future catastrophes resulting from terrorism; and

WHEREAS, reinsurers are already notifying their customers that they will no longer cover terrorism risk, and primary carriers are notifying state insurance regulators that they intend to seek exclusions of terrorism coverage in their contracts with policyholders; and

WHEREAS, without adequate insurance coverage, banks may be unwilling to extend loans for commercial transactions, such as mortgages, construction projects and other capital-intensive programs; and

WHEREAS, the inability of the insurance industry to cover losses from future terrorist activities may require action by the federal government; and

WHEREAS, a federal backstop would assure an available and affordable insurance market America's consumers and businesses in these challenging times; and

WHEREAS, a federal backstop program would help to eliminate market constriction and prohibitively high prices, would facility insurance transactions necessary for commerce, and would assure the broad-based ability of families and businesses to recover from future incidences of terrorism;

WHEREAS, without a backstop, a limited availability of insurance against terrorism would have a severe adverse effect on our country's economy as financiers would be reluctant to lend, businesses would be reluctant to invest, and consumers would be unable to afford insurance:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the members of Congress to provide for a limited and temporary backstop for insurance against terrorism; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's Congressional Delegation.

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 66

An act by concurrent resolution to conduct a study of pathological or serious problem gambling and problem gambling in this state.

WHEREAS, gambling in its many forms is now an established aspect of life in this state; and

WHEREAS, gambling creates an unknown number of Missouri citizens that can be considered pathological or serious problem gamblers and problem gamblers; and

WHEREAS, pathological or serious problem gamblers and problem gamblers constitute an unknown cost to the state and its political subdivisions in terms of crime, bankruptcy, other bad debts, prosecution costs and social services costs; and

WHEREAS, pathological or serious problem gamblers and problem gamblers also negatively impact their families, their communities and the business community of this state; and

WHEREAS, a comprehensive legal and factual study is needed to determine the true impact of pathological or serious problem gamblers and problem gamblers in this state; and

WHEREAS, the universities of this state have the personnel with both the academic and professional expertise to conduct a comprehensive legal and factual study of pathological or serious problem gamblers and problem gamblers in this state:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby direct the joint committee on wagering and gaming ("committee") to solicit competitive bids from the universities of this state to conduct a comprehensive legal and factual study of pathological or serious problem gambling and problem gambling in this state; and

BE IT FURTHER RESOLVED that the General Assembly directs the committee to select the university that submits the best and lowest bid, with primary consideration given to the institution that best demonstrates the ability to answer the study questions outlined below and possesses the economists and social scientists with the highest academic and professional qualifications and demonstrates the greatest capability to deliver the best data in response to the study questions; and

BE IT FURTHER RESOLVED that the General Assembly directs that the selected university shall conduct a comprehensive study of the economic and social impact of pathological or serious problem gambling and problem gambling in this state. The study shall include a review of existing policies and practices with respect to the prevention and treatment of pathological or serious problem gambling and problem gambling and the formulation and proposal of necessary and appropriate changes in those policies and practices; and

BE IT FURTHER RESOLVED that the General Assembly directs all state agencies to cooperate with the selected university in any attempts to obtain information regarding any aspect or effect of pathological or serious problem gambling and problem gambling; and

BE IT FURTHER RESOLVED that the General Assembly directs the selected university to answer the following study questions:

(1) The economic impact of pathological or serious problem gambling on the economy of the state of Missouri, on Missouri businesses and on the political subdivisions of this state including, but not limited to:

(a) An assessment of the percentage of residents of this state that are pathological or serious problem gamblers;

(b) The percentage of the Missouri population that are problem gamblers; and

(c) A determination of how much money an individual pathological or serious problem gambler costs society each year in terms of crimes, bankruptcy, other bad debts, prosecution and incarceration costs and other social service costs; and the total amount of money lost annually by pathological or serious problem gamblers in this state;

(2) The economic impact of pathological or serious problem gambling on other businesses, including at least theft and decreased revenues resulting in part or in whole from the shifting of disposable income to gambling outlets and the decrease in general revenues to the state reflected in these decreased revenues;

(3) An assessment of the relationship between pathological or problem gambling and crime;

(4) An assessment of the impact of pathological or serious problem gambling on individuals, families, social institutions, criminal activity, and the economy;

(5) A review of the demographics of pathological or serious problem gamblers; and

(6) A review of the costs and effectiveness of state and federal gambling regulatory policy; and

BE IT FURTHER RESOLVED that the General Assembly directs the selected university to complete its study and submit its final report to the Governor and the General Assembly not later than January 31, 2004, which report shall contain a detailed statement of the findings and conclusions of the university with its recommendations for legislation and administrative actions as the university deems appropriate; and

BE IT FURTHER RESOLVED that the General Assembly directs that the director of the department within the university that supervises and administers the conduct of the study may hold hearings, administer oaths, take testimony, receive evidence, and require by subpoena the attendance and testimony of witnesses and the production of materials as the director considers advisable to carry out the purposes of the study and may employ and terminate additional staff as necessary to carry out the study; and

BE IT FURTHER RESOLVED that the General Assembly directs that any subpoena of the director shall be served in the manner provided for a subpoena issued by a circuit court pursuant to Missouri rules of civil procedure; and

BE IT FURTHER RESOLVED that upon the request of the director, the General Assembly directs the head of any state agency to furnish the director with the information considered necessary by the director to carry out the study; and

BE IT FURTHER RESOLVED that the General Assembly may appropriate up to two hundred thousand dollars to the selected university to fund the study; and

BE IT FURTHER RESOLVED that the General Assembly directs that any money appropriated to the selected university to carry out the study which remains unused as of January 1, 2005 shall be transferred and placed to the credit of the state general revenue fund pursuant to section 33.080, RSMo; and

BE IT FURTHER RESOLVED that a properly inscribed copy of this resolution be sent to the Governor for his approval or rejection pursuant to the Article III, Section 31 of the Missouri Constitution.

Read 1st time.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SBs 662** and **704** and **SS No. 2** for **SCS** for **SBs 984** and **985** to the Committee on State Budget Control.

RESOLUTIONS

Senators Yeckel, House, Klarich, Wiggins, Dougherty, Kennedy, Loudon, Sims, Gross, Gibbons, Schneider and Coleman offered Senate Resolution No. 1499, regarding Our Lady's Inn, St. Louis, which was adopted.

Senators Yeckel, House, Klarich, Wiggins, Dougherty, Kennedy, Loudon, Sims, Gross, Gibbons, Schneider and Coleman offered Senate Resolution No. 1500, regarding Gloria F. Lee, St. Louis, which was adopted.

Senator Quick offered Senate Resolution No. 1501, regarding Scott Matthew Williams, Liberty, which was adopted.

COMMUNICATIONS

Senator Foster submitted the following:

April 16, 2002

Terry Spieler

Secretary of the Senate

State Capitol Building

Jefferson City, MO 65101

Dear Terry:

Pursuant to Senate Rule 45, I hereby request that HB 2087 be removed from the consent calendar and returned to committee.

I feel this bill is controversial in nature. If you have any questions, please contact me.

Most Sincerely,

/s/ Bill Foster

Senator Bill Foster

Senator Jacob submitted the following:

April 16, 2002

Senator Peter Kinder Senator Bill Kenney

Senate Pro Tem Majority Floor Leader & Senate

State Capitol, Room 326 Sponsor

Jefferson City, MO 65101 State Capitol, Room 323

Jefferson City, MO 65101

Terry L. Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: SCS/HB 1446 (Consent Calendar, Reported 04/15/02)

Written Objection Pursuant to Senate Rule 45

Senators Kinder & Kenney, Secretary Spieler:

I hereby file written objection to the "consent" status of SCS/HB 1446 and direct that said bill be returned to the Senate Insurance & Housing Committee, pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,

/s/ Ken Jacob

Senator Ken Jacob

INTRODUCTIONS OF GUESTS

On behalf of Senator Wiggins and himself, Senator Kenney introduced to the Senate, Jennifer Sargent, Grandview.

Senator Russell introduced to the Senate, his wife, Margaret; and Rae Ann Graven and Bonnie Holt, Lebanon.

Senator Kinder introduced to the Senate, Courtney Paul, New Hamburg.

Senator Cauthorn introduced to the Senate, Betsy Daniel, Dade County.

Senator Caskey introduced to the Senate, Katie Gross, Centerview; and Ms. Joni Shelton.

Senator Klindt introduced to the Senate, Naomi Goodseal, Grandview; and Kamille Burrell, Gallatin.

Senator Steelman introduced to the Senate, Amy Brandt, Chamois.

Senator Mathewson introduced to the Senate, Emily Gebhardt, Salisbury.

Senator Staples introduced to the Senate, Adrienne Masters, Ste. Genevieve.

On behalf of Senator Singleton and himself, Senator Westfall introduced to the Senate, Katie Kuhl, Pierce City.

Senator Wiggins introduced to the Senate, Emiesha Burris, Rochelle Koerselman and Cheryl Landers, Grandview.

Senator Kinder introduced to the Senate, Anthony Ramirez and 40 Hispanic leaders from across the state representing Hispanic Day at the Capitol.

Senator Rohrbach introduced to the Senate, Mandy Whitson, Tipton.

On behalf of Senator Klarich, the President introduced to the Senate, Kimberly Williams and her parents, Cathy and Ron Williams, Lyn and Kevin Brunner, Emily Hook, and her parents, Julie and Fred Hook, Michelle Bobo, Marilyn Struckhoff, Jacqueline Miller and Carolyn Sansone-Webb, Washington; and Kimberly and Emily were made honorary pages.

On behalf of Senator Klarich, the President introduced to the Senate, Ryan Brown, Eureka.

Senator Singleton introduced to the Senate, Amanda Rosenow, Goodman.

Senator Yeckel introduced to the Senate, Lorraine Constantine and Gerry Gilberg, St. Louis.

Senator Schneider introduced to the Senate, students from Commons Lane Elementary, North County St. Louis; and Jacob Overstreet, Erin Whitley, Brianna Skinner and Nicholas Lawshe were made honorary pages.

Senator Yeckel introduced to the Senate, Violet Corbett, Donna Sisk, Lydia Haseskamp, Carolyn Sansone-Webb, Tane' Burris, JoAnne Breckenridge, Melleen Schudy, Faith Phillips and representatives of Missouri Federation of Republican Women.

Senator Kinder introduced to the Senate, Bill Smith, Jefferson City.

Senator Kinder introduced to the Senate, students from Immaculate Conception School, Jackson.

Senator Steelman introduced to the Senate, Brian and Julie Reese, and their daughter, Danielle, Cabool; and Rae Lynn Swopes, Mountain Grove.

On behalf of Senator Jacob and himself, Senator Russell introduced to the Senate, Tane' and Amber Burris, Lebanon; and McKinsey Hulen, Kimberly Williams, Jacob Phillips and Jason Bricker, Columbia.

Senator House introduced to the Senate, his brother Harvey House, and his wife, Lois, Grain Valley.

On behalf of Senator Klarich, the President introduced to the Senate, Missouri Secretary of State Matt Blunt, Jefferson City.

Senator Caskey introduced to the Senate, Jill Smith and 70 fourth grade students from Cass County Elementary School, Archie; and Cole McGinnis, Hannah Bartholomew, Montana Dickerson and Markie Lethcho were made honorary pages.

Senator Gibbons introduced to the Senate, 20 students from Miriam School, Webster Groves.

Senator Klindt introduced to the Senate, Jamie Lunsford, Gallatin; and Whittney Vessar, Maysville.

Senator Schneider introduced to the Senate, Bradley, Kelly and Tristan Lee Wisdom, Bill, Rosemary and Regina Marie Cira and Madeline

Walsh, St. Louis County; and Tristan Lee, Regina Marie and Madeline were made honorary pages.

Senator Johnson introduced to the Senate, Oneida Gillespie and Sarah Adams, Savannah; and Heather Nold, Cosby; and Sarah and Heather were made honorary pages.

Senator Mathewson introduced to the Senate, Tracy Walz, La Monte.

Senator Cauthorn introduced to the Senate, Wendy Shoemyer, Shelby County.

Senator Loudon introduced to the Senate, Tad Berry, Chesterfield.

Senator Klindt introduced to the Senate, Ross Fuller, Burlington Junction; Christina Workman, Samantha Harris, Kathy King and Kevin Mattson, Maryville; Todd Mattson, Conception Junction; Daisy Workman, Pickering; Jackie Wilmes, Ravenwood; Greg Nielson, Guilford; and Marvin Harper, Barnard.

Senator Klindt introduced to the Senate, Molly Ferguson, Brenda Heines, Rebecca Long, Wes Killin, Thomas Herron, Reven Herron and Joe Van Amburg, Holt and Atchison Counties.

Senator Rohrbach introduced to the Senate, Brian Kliethermes, Tipton.

Senator Caskey introduced to the Senate, Mr. Sam Yancey, Warrensburg; Amber Ferguson and Ashley Willard, Crest Ridge; and Christina Dietrich, Kingsville.

Senator Singleton introduced to the Senate, Gil Garrow and members of Leadership Neosho.

Senator Caskey introduced to the Senate, Sarah Lewark, Warrensburg.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIFTH DAY-WEDNESDAY, APRIL 17, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1425

HS for HCS for HB 1877-

Foley

HCS for HBs 1344 & 1944

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73)

HCS for HB 1689

HB 1926-Fraser, et al

HB 1679-Crump

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,

866, 972 & 990-Cauthorn

(In Budget Control)

SCS for SBs 894, 975 &

927-Kinder

(In Budget Control)

SS for SCS for SBs 670

& 684-Sims

(In Budget Control)

SS for SCS for SB 1059-

Bentley

(In Budget Control)

SB 1005-Loudon

SCS for SBs 662 & 704-

Westfall

(In Budget Control)

SS#2 for SCS for SBs

984 & 985-Steelman

(In Budget Control)

SCS for SBs 958 & 657-

Kinder

SENATE BILLS FOR PERFECTION

1. SB 954-Loudon, with SCS

2. SB 1014-Klindt and Kinder

3. SB 1152-Klarich, with SCS

4. SBs 766, 1120 & 1121-

Steelman, with SCS

5. SB 926-Kenney, et al, with SCS

6. SB 1140-Rohrbach

7. SBs 1112 & 854-Caskey

and Russell, with SCS

8. SB 1111-Quick, with SCS

9. SB 689-Gibbons, et al,

with SCS

10. SB 938-Cauthorn, et al

11. SB 1087-Gibbons,

et al, with SCS

12. SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS

13. SB 1248-Mathewson and

Kenney, with SCAs 1 & 2

14. SB 971-Klindt, et al,

with SCS

15. SBs 1063 & 827-Rohrbach

and Kenney, with SCS

16. SB 1010-Sims

17. SRB 1236-Rohrbach

18. SB 1026-Kenney, et al,

with SCS

19. SB 1157-Klindt, with SCS

20. SBs 1095 & 1195-

Cauthorn, with SCS

21. SB 1232-Singleton

22. SB 1206-Bentley and Stoll

23. SB 878-Sims, with SCS

24. SB 1060-Westfall, with

SCS

25. SB 1205-Yeckel

26. SB 1040-Gibbons,

et al, with SCS

27. SB 1133-Gross, with SCS

28. SB 1099-Childers, with

SCS

29. SB 739-Wiggins, with SCS

30. SB 1105-Loudon

- 31. SB 735-Steelman and
Kinder, with SCS
- 32. SB 713-Singleton
- 33. SB 1191-Jacob

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 641 & 705-Russell, et al,
with SCS (pending)
- SB 647-Goode, with SCS (pending)
- SB 651-Singleton and
Russell, with SCS (pending)
- SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
- SB 660-Westfall, et al,
with SCS (pending)
- SB 668-Bentley, with SS &
SA 1 (pending)
- SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS, SS
for SCS & SA 1 (pending)
- SB 881-Steelman and
Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SBs 915, 710 & 907-

Westfall, et al, with

SCS & SA 2 (pending)

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SB 1103-Westfall, et al,

with SA 2 (pending)

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 2120-Ridgeway and

Hosmer, with SCS

HB 1955-Hilgemann, et al,

with SCS

HB 1659-Kelly (27)

HB 1537-Clayton, with SCS

(Klarich)

HB 1814-Monaco, et al,

with SCA 1

HB 1715-Moore, et al

HB 1768-Hosmer, et al,

with SCA 1 (Klarich)

HB 1895-Carnahan, et al

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,

with SCS

HB 1148-Ross

HB 1580-Barnett

HB 1811-Gambaro, with SCS

(Dougherty)

HB 1839-Seigfreid

HB 1846-Scott, with SCS

HB 1849-Barnitz and

Overschmidt, with SCS

HB 1861-Burcham

HB 1982-Richardson

(Foster)

HB 2002-Farnen and Naeger

HB 2018-Bartle, et al

HB 2039-Kreider

HB 2064-Walton, et al

HB 2130-Boykins, et al

HB 2047-Ransdall, et al,

with SCS

HB 2022-Richardson, with

SCS (Stoll)

HB 1973-Bowman

HB 1515-Burton

HB 1477-Farnen, with SCS

HB 1406-Barnett, with SCS

(Klindt)

HB 1964-Gambaro, with SCS

(Yeckel)

HB 1635-Hoppe, with SCS

HB 2009-O'Connor, with

SCS

HB 1838-Hosmer

HB 1085-Mays (50)

HB 1548-Barry, with SCS

HB 1812-Riback Wilson

(Sims)

HB 1781-Green (73) and

Ladd Baker

HB 1783-Lowe, et al, with

SCS

HB 1636-Hoppe, with SCS

HB 1840-Seigfreid

HB 1032-Portwood

HB 1313-Burton, with SCS

HB 1937-Barry, with SCA 1

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al

HB 1921-Green (73), with

SCS

HB 2117-Boucher (Caskey)

HB 1086-Harlan, with SCS

(House)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus

(Yeckel)

HB 1342-Farnen

HB 1668-Holt, et al

HB 1822-Walton

HB 1492-Seigfreid, with

SCS

HB 1495-Seigfreid, with

SCS

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al,

with SCS

HB 1674-O'Toole and

Dempsey

HB 1890-Hilgemann, et al,

with SCS

HB 1837-Berkowitz, et al,

with SCS

HB 1518-Luetkenhaus

HB 1568-Luetkenhaus, with

SCS

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS

HB 1918-Koller, with SCS

HBs 1093, 1094, 1159, 1204,

1242, 1272, 1391, 1397,

1411, 1624, 1632, 1714,

1755, 1778, 1779, 1852,

1862, 2025 & 2123-Relford

and Seigfreid, with SCS

HBs 1141, 1400, 1645,
1745 & 2026-Naeger,
with SCS

HBs 1205, 1214, 1314,
1320, 1504, 1788, 1867
& 1969-Seigfreid and

Relford, with SCS

HB 1075-Nordwald

HB 2032-Hosmer, with SCS

HB 2062-Hosmer, et al

HB 1789-Ross, et al, with
SCS

HB 1643-Holand and Barry

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS
(Russell)
(House adopted CCR
and passed CCS)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

To be Referred

SCR 65-Loudon

SCR 66-Loudon

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds

(Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIFTH DAY--WEDNESDAY, APRIL 17, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"There are no gains without pains." (Adlai Stevenson, Sr.)

Heavenly Father, we are becoming increasingly aware that any gains we make here each day will cause pains for those who must live with our decisions. Help us come to those decisions with the struggles of intellect and conscience persuading us to do what is the right thing for the greater good of our people. Help us in this process good Lord. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1502, regarding Charlotta Ubelhor, Campbell, which was adopted.

Senator Bland offered Senate Resolution No. 1503, regarding Norma Miller, Independence, which was adopted.

Senator Bland offered Senate Resolution No. 1504, regarding Mary Cox, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1505, regarding the One Hundredth Birthday of Carrie Bettie Slack-Evans, Pine Bluff, Arkansas, which was adopted.

Senator Schneider offered Senate Resolution No. 1506, regarding Jim and Betty Lenneman, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 1507, regarding Edgar Eugene "Eddie" Cathers, III, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 1508, regarding Jessica K. Kolker, Rolla, which was adopted.

Senator Sims offered Senate Resolution No. 1509, regarding Melanie Pace, St. Peters, which was adopted.

Senator Stoll offered Senate Resolution No. 1510, regarding Benjamin Loudon "Ben" Watkins, Pevely, which was adopted.

Senator Stoll offered Senate Resolution No. 1511, regarding Marina Kovalenko, Arnold, which was adopted.

THIRD READING OF SENATE BILLS

SB 1005, introduced by Senator Loudon, entitled:

An Act to repeal sections 288.040 and 288.050, RSMo, relating to employment security, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Loudon, **SB 1005** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Westfall	Yeckel-- 19	
NAYS--Senators			
Bland	Caskey	Coleman	Dougherty
Goode	House	Jacob	Johnson
Kennedy	Mathewson	Schneider	Stoll
Wiggins-- 13			
Absent--Senator Quick-- 1			
Absent with leave--Senator DePasco-- 1			

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for **SBs 958** and **657**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 958 and 657

An Act to amend chapter 1, RSMo, by adding thereto four new sections relating to the prohibition of interference with the free exercise of religion and the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SCS** for **SBs 958** and **657** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Goode Quick--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 688, SB 663, SB 691, SB 716, SB 759, SB 824** and **SB 955**, with **SCS, SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

SS for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955** was again taken up.

At the request of Senator Gibbons, **SS** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955** was withdrawn.

Senator Gibbons offered **SS No. 2** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 688, 663, 691, 716, 759, 824 & 955

An Act to repeal sections 137.073, 137.115, 138.060 and 138.100, RSMo, relating to the assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

Senator Gibbons moved that **SS No. 2** for **SCS** for **SBs 688, 663, 691, 716, 759, 824 and 955** be adopted.

President Maxwell assumed the Chair.

At the request of Senator Gibbons, **SB 688, SB 663, SB 691, SB 716, SB 759, SB 824 and SB 955**, with **SCS** and **SS No. 2** for **SCS** (pending), were placed on the Informal Calendar.

INTRODUCTION OF GUESTS

Senator Kenney introduced to the Senate, Katie Harman, Miss America 2002.

Miss America Katie Harman assumed the dais and addressed the members of the Senate.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 688, SB 663, SB 691, SB 716, SB 759, SB 824 and SB 955**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SCS** for **SBs 688, 663, 691, 716, 759, 824 and 955** was again taken up.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 14, Section 137.073, Line 25, by inserting immediately after said line the following:

"137.102. 1. As used in this section, the following terms mean:

(1) "Homestead beneficiary", a person who has reached the age of sixty-five years as of January first of the determining odd-numbered year, or who is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or who is disabled as defined in section 135.010, RSMo; and

(2) "Homestead property", the owner's principal residence and the adjacent real property not to exceed five acres of land as is reasonably necessary for use of the residence as a dwelling home;

(3) "Owner", a person who holds possession and unconditional fee simple title in the subject residential property, whether individually, or as one or more tenants by the entireties, joint tenants or tenants in common, and who declared ownership of the property on each of the three immediately preceding annual property declaration statements, and who actually paid the three immediately preceding annual property tax assessments.

2. Beginning in any tax year which begins on or after January 1, 2003, the assessed value of homestead property in class 1, excluding any value added by new construction or improvements, owned by any owner who is a homestead beneficiary and who has continuously used that property as a principal residence for at least three years shall not increase during the period of time that owner resides on that property after becoming a homestead beneficiary. Status as a homestead beneficiary and years of residence for purposes of this section

shall be determined as of January first of each odd-numbered year; the owner shall provide such information by affidavit by such date to the county assessor.

3. The tax rate or rates imposed upon homestead property whose owner meets the conditions specified in subsection 2 of this section shall not be increased with respect to such property until the owner moves, sells the property or fails to notify the assessor of continued eligibility pursuant to subsection 2 of this section.

4. All revenue losses of any political subdivision resulting from the limitation on assessed valuations contained in this section shall be reimbursed to those political subdivisions by the state of Missouri through appropriations. Data substantiating revenue losses resulting from the limitation on assessed valuations as contained in this section shall be provided to the state auditor in such form as shall be prescribed by the state auditor by rule promulgated pursuant to chapter 536, RSMo. The required data shall be submitted for each political subdivision levying a property tax and shall be submitted by either the county or the individual taxing authority as requested by the state auditor. Calculation or verification of the revenue loss shall be determined by the state auditor subsequent to the annual property tax rate review completed pursuant to section 137.073. All data and documents substantiating the revenue loss for each political subdivision shall be copied to each county clerk respectively and shall be retained and made available for public inspection by the county for a minimum of three years. Whenever a taxpayer in a taxing jurisdiction has cause to believe that the taxing jurisdiction has not complied with the provisions of this section, the taxpayer shall have legal standing to bring a civil action to determine and require compliance with this section."; and

Further amend said bill, page 24, Section B, line 2, by inserting immediately after said line the following:

"Section C. Section 137.102 shall become effective January 1, 2003, and shall apply to all taxable years beginning after December 31, 2002."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 3, Section 137.073, Line 12, by inserting after "2." the following: "**(1)**"; and

Further amend said bill and section, Page 5, Line 5, by inserting at the end of said line the following: "**However, this inflationary growth factor shall be optional within each county.**

(2) The voters of any county or any city not within a county may choose not to allow its property levy rates to be revised by the political subdivision of the county to allow for the inflationary growth factor pursuant to the provisions of subdivision (1) of this subsection. The voters of any county or a city not within a county may opt out of such inflationary adjustments in any of the following manners:

(a) The governing body of the county or the city not within a county may, by majority vote, submit to the voters at any municipal, primary or general election a referendum to prohibit the revision of its property levy rates to allow for the inflationary growth factor; or

(b) A referendum to prohibit the revision of the property levy rates of the county or the city not within a county, to allow for the inflationary growth factor may be submitted to the voters at any municipal, primary or general election based upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.

(3) In the event a referendum is to be submitted to the voters pursuant to subdivision (2) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the taxing authorities of (county or city not within a county) be prohibited from adjusting without voter approval the rate or rates of levy to increase the amount of property tax revenue to allow for inflationary growth that may occur between periods of assessment?

Yes No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then it shall be in effect and a referendum to repeal the enacted ordinance shall not be submitted to voters for at least two years. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body shall not be prohibited from revising its levy rates to allow for the inflationary growth factor pursuant to subdivision (1) of this subsection and the issue may not be resubmitted to voters for at least two years. In accordance with the time limitations set forth in this subdivision, a referendum to repeal an ordinance enacted pursuant to this subdivision may be submitted to the voters upon majority vote of the governing body of the county or the city not within a county, or upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county."

Senator Schneider moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 was again taken up.

Senator Cauthorn offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 1, Section 137.102, Line 12, by deleting the word "five" and inserting in lieu thereof the word "one" and by deleting the "s" from the word "acres".

Senator Cauthorn moved that the above amendment be adopted.

Senator Childers assumed the Chair.

At the request of Senator Cauthorn, **SA 1** to **SA 1** was withdrawn.

SA 1 was again taken up.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Gross, Johnson and Wiggins.

SA 1 failed of adoption by the following vote:

YEAS--Senators

Caskey	Cauthorn	Foster	Gross
House	Singleton	Steelman	Yeckel--8

NAYS--Senators

Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	Goode	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Stoll	Westfall	Wiggins--24
Absent--Senator Jacob--1			
Absent with leave--Senator DePasco--1			

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 3, Section 137.073, Line 12, by inserting after "2." the following: "**(1)**"; and

Further amend said bill and section, Page 5, Line 5, by inserting at the end of said line the following: "**However, this inflationary growth factor shall be optional within each county.**"

(2) The voters of any county or any city not within a county may choose not to allow its property levy rates to be revised by the political subdivision of the county to allow for the inflationary growth factor pursuant to the provisions of subdivision (1) of this subsection. The voters of any county or a city not within a county may opt out of such inflationary adjustments in any of the following manners:

(a) The governing body of the county or the city not within a county may, by majority vote, submit to the voters at any municipal, primary or general election a referendum to prohibit the revision of its property levy rates to allow for the inflationary growth factor; or

(b) A referendum to prohibit the revision of the property levy rates of the county or the city not within a county, to allow for the inflationary growth factor may be submitted to the voters at any municipal, primary or general election based upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.

(3) In the event a referendum is to be submitted to the voters pursuant to subdivision (2) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the taxing authorities of (county or city not within a county) be prohibited from adjusting without voter approval the rate or rates of levy to increase the amount of property tax revenue to allow for inflationary growth that may occur between periods of assessment?

Yes No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then it shall be in effect and a referendum to repeal the enacted ordinance shall not be submitted to voters for at least two years. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body shall not be prohibited from revising its levy rates to allow for the inflationary growth factor pursuant to subdivision (1) of this subsection and the issue may not be resubmitted to voters for at least two years. In accordance with the time limitations set forth in this subdivision, a referendum to repeal an ordinance enacted pursuant to this subdivision may be submitted to the voters upon majority vote of the governing body of the county or the city not within a county, or upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county."

Senator Schneider moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 3, Section 137.073, Line 12, by inserting after "2." the following: "(1)"; and further amend said bill and section, page 5, line 5, by inserting at the end of said line the following:

"(2) Any county or any city not within a county may choose to adjust for the inflationary growth factor pursuant to the provisions of subdivision (1) of this subsection only if it opts into such inflationary adjustments in one of the following manners:

(a) The governing body of the county or the city not within a county may, by majority vote, submit to the voters at any municipal, primary or general election a referendum to permit the revision of its property levy rates to allow for the inflationary growth factor; or

(b) A referendum to prohibit the revision of the property levy rates of the county or the city not within a county, to allow for the inflationary growth factor may be submitted to the voters at any municipal, primary or general election based upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.

(3) In the event a referendum is to be submitted to the voters pursuant to subdivision (2) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the taxing authorities of (county or city not within a county) be permitted to adjust without voter approval the rate or rates of levy to increase the amount of property tax revenue to allow for inflationary growth that may occur between periods of assessment?

Yes No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then it shall be in effect and a referendum to repeal the enacted ordinance shall not be submitted to voters for at least two years. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body shall not be permitted to revise its levy rates to allow for the inflationary growth factor pursuant to subdivision (1) of this subsection and the issue may not be resubmitted to voters for at least two years. In accordance with the time limitations set forth in this subdivision, a referendum to repeal an ordinance enacted pursuant to this subdivision may be submitted to the voters upon majority vote of the governing body of the county or the city not within a county, or upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county."

Senator Klarich moved that the above substitute amendment be adopted, which motion prevailed.

Senator Gibbons moved that **SS No. 2** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS No. 2** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 18**.

HOUSE CONCURRENT RESOLUTION NO. 18

WHEREAS, recent legislative hearings have brought to light serious problems in the ability of young adults to understand and evaluate consumer credit issues, such as credit cards and payday loans; and

WHEREAS, mistakes with financial well-being made in early adulthood can imperil a young adult's credit rating and affect his or her ability to be a productive member of society; and

WHEREAS, the ability to evaluate the soundness and advisability of using particular consumer credit programs is a crucial life skill; and

WHEREAS, the Missouri assessment program communications, mathematics, and social studies assessments for middle school and high school students offer a unique opportunity to gauge the extent of young people's understanding of these issues; and

WHEREAS, the first goal of the Show-Me Standards includes elements such as evaluating information and ideas, and applying acquired information to different contexts as students, workers, citizens, and consumers; and

WHEREAS, in some disciplines, such as consumer and family sciences and business education, extensive work has already been done to chart skills such as comparing various aspects of consumer credit against not only the Show-Me Standards but also national standards and tests; and

WHEREAS, dictating the content of courses by state statute may not always be good public policy, but making known legislative priorities so that existing programs may accommodate those priorities is an obligation of the General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, that the Department of Elementary and Secondary Education should:

- 1) Impanel a group or groups of teachers to determine if consumer credit issues can be addressed in the framework of the Show-Me Standards and, if so, determine what type of questions, including the possibility of performance events, would be appropriate for inclusion in the statewide assessments, as well as addressing the optimum grade level for inclusion, whether middle or high school, or both;
- 2) If the teacher panels respond favorably to the inclusion of consumer credit questions, determine if and how the assessment instruments can be kept comparable with previous years' instruments as they are rewritten in the ordinary course of test development to incorporate consumer credit elements;
- 3) Determine what steps would be necessary to track and report statewide average performance on those elements concerning consumer credit issues and advise if it is possible or advisable;
- 4) Encourage organizations that represent individual curriculum areas, such as communications, mathematics, and social studies, to incorporate analysis of consumer credit issues where appropriate; and
- 5) Identify and publicize methods besides statewide assessments that could help students and teachers incorporate consumer credit issues in teaching and learning, including professional development opportunities; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Education.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 16**.

HOUSE CONCURRENT RESOLUTION NO. 16

An act by concurrent resolution and pursuant to Title 40, Section 187, United States Code, to request the Joint Committee on the Library of Congress to approve the replacement of a statue in the Statuary Hall of the Capitol of the United States.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, 40 U.S.C. Section 187a permits a state to ask the Joint Committee on the Library of Congress for replacement of a statue it provided for display in the National Statuary Hall in the Capitol of the United States after the passage of the required display time period specified in 40 U.S.C. Section 187a; and

WHEREAS, that request must be made by a resolution adopted by the legislature of the state and approved by the Governor; and

WHEREAS, in 1895, the Missouri General Assembly authorized placement of statues of Thomas Hart Benton and Francis Preston Blair in Statuary Hall, which statues were placed there in 1899; and

WHEREAS, Francis Preston Blair was an outstanding Missourian, a member of Congress, a major general in the United States Army during the Civil War, and a candidate for Vice President of the United States; and

WHEREAS, Harry S Truman was the most important statesman Missouri ever gave the nation, an outstanding county official, United States Senator, Vice President and President of the United States who brought the Second World War to completion, led the free world at the beginning of the Cold War, and stood for fairness and opportunity for all Americans:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby request approval from the Joint Committee on the Library of Congress to replace the statue of Francis Preston Blair with a statue of Harry S Truman as one of the two statues Missouri is entitled to display in the Statuary Hall of the United States Capitol; and

BE IT FURTHER RESOLVED that the Missouri General Assembly requests the Statue of Francis Preston Blair be returned to the State of Missouri as permitted under 40 U.S.C. Section 187a(d); and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection; and

BE IT FURTHER RESOLVED that upon approval by the Governor, the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Joint Committee on the Library of Congress in care of the chair of the committee and to each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 24**.

HOUSE CONCURRENT RESOLUTION NO. 24

Relating to approval of a project for an agricultural research and demonstration project and related buildings and facilities for the Springfield campus of Southwest Missouri State University funded in part by revenue bonds secured by a pledge of future appropriations of the General Assembly.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, Section 21.527, RSMo, requires approval of the General Assembly that certain projects to be funded by revenue bonds shall be secured by a pledge of future appropriations to be made by the General Assembly; and

WHEREAS, the General Assembly is desirous of approving a project for an agricultural research and demonstration center project and related building and facilities for the Springfield campus of Southwest Missouri State University to be funded in part by revenue bonds secured by a pledge of future appropriations to be made by the General Assembly; and

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby approve the following:

(1) An agricultural research and demonstration center project and related building and facilities for the Springfield campus of Southwest Missouri

State University;

(2) A total estimated project cost, including furnishings and equipment, of \$6,950,000;

(3) A maximum project cost of \$2,604,360, the State's Share, to be funded by revenue bonds secured by a pledge of future appropriations to be made by the General Assembly;

(4) The issuance of revenue bonds in an amount sufficient to pay the State's Share of the project cost, plus debt service reserve, capitalized interests and costs of issuance, to be payable over a term not to exceed twenty years; and

(5) The remainder of the project cost to be funded by contributions and other funds to be provided by Southwest Missouri State University; and

BE IT FURTHER RESOLVED that the members of the General Assembly state the intent of the General Assembly, during each fiscal year of the state during the term of such revenue bonds, to appropriate funds sufficient to pay the debt service on such revenue bonds; and

BE IT FURTHER RESOLVED that the members of the General Assembly authorize and direct the Office of Administration and such other state departments, offices, and agencies as the Office of Administration may deem necessary or appropriate to:

(1) Assist the staff and advisors of Southwest Missouri State University in implementing the project and in issuing such revenue bonds for the State's Share of the project cost; and

(2) Execute and deliver documents and certificates related to the revenue bonds consistent with the terms of this resolution; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator House offered Senate Resolution No. 1512, regarding Patrick J. Dupre, St. Charles, which was adopted.

Senator Caskey offered Senate Resolution No. 1513, regarding Jonathan Seth McKnight, Harrisonville, which was adopted.

Senator Caskey offered Senate Resolution No. 1514, regarding Barbara Lee Grider, Deepwater, which was adopted.

Senator Loudon offered Senate Resolution No. 1515, regarding Donald H. Alpert, Maryland Heights, which was adopted.

Senator Stoll offered Senate Resolution No. 1516, regarding the Twenty-fifth Anniversary of Pony Bird, Incorporated, Mapaville, which was adopted.

Senator Kenney offered Senate Resolution No. 1517, regarding Robert Drouin Newman "Dru" Hartley, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1518, regarding Nicholas Ryan "Nick" Wasson, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1519, regarding Kyle Steven Wopata, Lee's Summit, which was adopted.

Senator Childers offered Senate Resolution No. 1520, regarding Joann Chalfant, BSN, RN, Reeds Spring, which was adopted.

Senator Kenney offered Senate Resolution No. 1521, regarding Anthony Joshua "A.J." Gall, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1522, regarding Justin Richard Cowart, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1523, regarding Timothy Michael "Tim" Burnell, Lee's Summit, which was adopted.

SENATE BILLS FOR PERFECTION

SB 954, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 1014** was placed on the Informal Calendar.

SB 1152, with **SCS**, was placed on the Informal Calendar.

SB 766, **SB 1120** and **SB 1121**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Kenney, **SB 926**, with **SCS**, was placed on the Informal Calendar.

SB 1140 was placed on the Informal Calendar.

At the request of Senator Caskey, **SB 1112** and **SB 854**, with **SCS**, were placed on the Informal Calendar.

SB 1111, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 689**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cauthorn, **SB 938** was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 1087**, with **SCS**, was placed on the Informal Calendar.

SB 1279, **SB 1162** and **SB 1164**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Mathewson, **SB 1248**, with **SCAs 1** and **2**, was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 971**, with **SCS**, was placed on the Informal Calendar.

SB 1063 and **SB 827**, with **SCS**, were placed on the Informal Calendar.

SB 1010 was placed on the Informal Calendar.

SRB 1236 was placed on the Informal Calendar.

At the request of Senator Kenney, **SB 1026**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 1157**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cauthorn, **SB 1095** and **SB 1195**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Singleton, **SB 1232** was placed on the Informal Calendar.

SB 1206 was placed on the Informal Calendar.

SB 878, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Westfall, **SB 1060**, with **SCS**, was placed on the Informal Calendar.

SB 1205 was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 1040**, with **SCS**, was placed on the Informal Calendar.

SB 1133, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Childers, **SB 1099**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wiggins, **SB 739**, with **SCS**, was placed on the Informal Calendar.

SB 1105 was placed on the Informal Calendar.

SB 735, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Singleton, **SB 713** was placed on the Informal Calendar.

SB 1191 was placed on the Informal Calendar.

Senator Westfall moved that **SB 915**, **SB 710** and **SB 907**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Klindt offered **SSA 2** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 5, Section 144.700, Line 12, by striking the word "and" as it appears at the end of said line; and further amend line 16, by inserting after "RSMo" the following: "; **and**

(4) Effective July 1, 2005, fifteen percent of the revenue derived from the sales tax imposed by this act shall be deposited to the state road fund as established in section 226.220, RSMo. For the following fiscal year thirty percent of said revenue shall be deposited to the state road fund as established in section 226.220, RSMo. On the following fiscal year forty-five percent of said revenue shall be deposited to the state road fund as established in section 226.220, RSMo. On the following fiscal year sixty percent of said revenue shall be deposited to the state road fund as established in section 226.220, RSMo. On the following fiscal year seventy-six percent of the revenue derived from the sales tax imposed by this act shall be deposited to the state road fund. For every subsequent fiscal year, the state road fund shall receive seventy-six percent of the revenue derived from the sales tax imposed by this act;".

Senator Klindt moved that the above substitute amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 5, Section 144.700, Line 12, by

striking "and" as it appears at the end of said line; and further amend line 16, by inserting immediately after "RSMo" the following: "; **and**

(4) Four percent of the revenue derived from the additional sales tax imposed by this act shall be deposited, in an equal amount, the Missouri qualified fuel ethanol producer incentive fund and to the Missouri qualified biodiesel producer incentive fund, as established in chapter 142, RSMo".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 2, Section 144.020, Lines 7-8, by striking "three-eighths" and inserting in lieu thereof the following: "**one-fourth**"; and

Further amend said bill and section, pages 2 and 3, lines 9, 13, 16, 19, 28, 31, 36 and 42, by striking "three-eighths" as it appears on all of said lines and inserting in lieu thereof the following: "**one-fourth**"; and

Further amend said bill, page 4, Section 144.440, line 4, by striking "three-eighths" and inserting in lieu thereof the following: "**one-fourth**"; and

Further amend said bill, page 5, Section 144.700, lines 9-10, by striking "three-eighths" and inserting in lieu thereof the following: "**one-fourth**".

Senator Gross moved that the above amendment be adopted, which motion failed.

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 8, Section 226.1000, Line 15, by inserting after all of said line the following:

"226.1002. Beginning July 1, 2003, there shall be a moratorium on the closing of all state maintenance sheds operated by the department of transportation for a period of three years. One year following the effective date of this act, the department of transportation shall report on the total number of state maintenance sheds within the state, the costs of operating the maintenance sheds and what the department's plans are for the future operations of the maintenance sheds. This report shall be delivered to the individual members of the general assembly. Copies of the report shall also be delivered to the governor, state auditor and the state librarian."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 6, Section 144.700, Line 34, by inserting immediately after said line the following:

"144.805. 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to

144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. [Effective September 1, 1998,] All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo[; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year].

5. The provisions of this section and section 144.807 shall expire on December 31, [2003] **2008**.

155.080. 1. There is hereby imposed a use tax on each gallon of aviation fuel used in propelling aircraft with reciprocating engines. The tax is imposed at the rate of nine cents per gallon. Such tax is to be collected and remitted to this state or paid to this state in the same manner and method and at the same time as is prescribed by chapter 142, RSMo, for the collection of the motor fuel tax imposed on each gallon of motor fuel used in propelling motor vehicles upon the public highways of Missouri.

2. All applicable provisions contained in chapter 142, RSMo, governing administration, collection and enforcement of the state motor fuel tax shall apply to this section, including but not limited to reporting, penalties and interest.

3. Each commercial agricultural aircraft operator may apply for a refund of the tax it has paid for aviation fuel used in a commercial agricultural aircraft. All such applications for refunds shall be made in accordance with the procedures specified in chapter 142, RSMo, for refunds of motor fuel taxes paid. If any person who is eligible to receive a refund of aviation fuel tax fails to apply for a refund as provided in chapter 142, RSMo, [he makes a gift of his refund to the aviation trust fund] **the refund amount shall be deposited to the credit of the aviation trust fund pursuant to section 305.230, RSMo.**"; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Foster offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 7, Section 226.1000, Line 1, by inserting after "226.1000." the following: "**1.**"; and

Further amend said bill and section, Page 8, Lines 14-15, by striking said lines and inserting in lieu thereof the following: "**motorcycles, shall be deposited in the "Fifteen Year Plan Fund" which is hereby created in the state treasury. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the general revenue fund. All interest received on the fund shall be credited to the fund. Moneys in the fund are to be used by the department of transportation for the purpose of constructing, rehabilitating, maintaining or otherwise repairing uncompleted highway projects contained within the 1992 plan and for interstate highway projects pursuant to the allocation formula in subsection 2 of this section. Expenditures from the fund shall be subject to appropriation by the general assembly.**

2. Moneys in the fund shall be annually appropriated in the following manner:

(1) One-third for highway projects contained in metropolitan statistical areas of the state which have populations in excess of one million inhabitants, as designated by the Bureau of the Census;

(2) One-third for highway projects in areas of the state other than the areas described in subdivision (1) of this subsection; and

(3) One-third for interstate highway projects located within any areas described in subdivision 2 of this subsection."

Senator Foster moved that the above amendment be adopted.

Senator Childers offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 1, Line 18, by inserting after the word "manner" on said line "**after paying the obligation incurred by the bonds issued pursuant to section 226.133 RSMo**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Loudon assumed the Chair.

Senator Staples offered **SA 2** to **SA 7**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 1, Section 226.1000, Line 5, by striking the word "**fifteen**" and inserting in lieu thereof the word "**five**".

Senator Staples moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Foster moved that the above amendment, as amended, be adopted, which motion failed.

Senator Gibbons offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 6, Section 144.700, Line 34, by inserting after all of said line the following:

"226.004. Beginning January 1, 2004, and every two years thereafter, the highways and transportation commission shall present to the general assembly, by the tenth legislative day, a plan detailing how the department intends to use the additional revenues generated by this act, to further construction of highway projects contained in its most recent statewide transportation improvement plan. The plan shall specify, by project, how the additional revenues will be utilized. In addition to the plan, the commission shall submit a report containing the most recent information required by section 21.795, the department's most recent statewide transportation improvement plan, and an analysis regarding how the additional revenues produced by this act have accelerated projects contained within the department of transportation's statewide transportation improvement plan. The report shall also contain the current status as to completion, by project, of the most recent statewide transportation improvement program. The commission shall specifically identify at least one priority project in each transportation district which has been completed or substantially completed ahead of scheduled due to the additional revenues provided by this act. In addition, the commission shall analyze how the additional revenues have accelerated the reconstruction of the interstate system, particularly Interstate 70. Once the plan has been submitted, the general assembly shall determine by concurrent resolution whether the collection of the additional revenues generated from this act shall be continued.

2. The plan submitted by the highways and transportation commission shall become effective no later than forty-five calendar days after its submission to a regular session, unless it is disapproved within said 45 calendar days by a concurrent resolution introduced within fourteen calendar days of the submission of the plan. The presiding officer of each house in which a concurrent resolution disapproving the plan has been introduced, shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days after introduction of the concurrent resolution pertaining to the commission's plan. The presiding officer of the house passing a concurrent resolution disapproving the commission's plan shall immediately forward the bill to the other house and the presiding officer of that house shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days of its receipt from the other legislative body. The plan submitted by the highways and transportation commission shall not be subject to amendment by either chamber and may only be rejected in its entirety.

3. If the plan submitted by the commission is rejected by the general assembly, the collection of the additional revenues generated by this act shall be suspended until the general assembly approves an alternative plan submitted by the commission pursuant to the procedure described in this section."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Klindt, Singleton and Wiggins.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Childers	Foster	Gibbons
Klindt	Loudon	Rohrbach	Singleton
Steelman--9			
NAYS--Senators			
Bentley	Bland	Caskey	Coleman
Dougherty	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Mathewson	Quick
Russell	Sims	Staples	Westfall
Wiggins--21			

Absent--Senators

Schneider

Stoll

Yeckel--3

Absent with leave--Senator DePasco--1

Senator Westfall moved that **SCS** for **SBs 915, 710 and 907**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SBs 915, 710 and 907**, as amended, was declared perfected and ordered printed.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1115**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1115

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1115 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1115.
- That the House recede from its position on House Committee Substitute for House Bill No. 1115.
- That the attached Conference Committee Substitute for House Bill 1115, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Charles Q. Troupe
/s/ Marsha Campbell
/s/ Ken Legan
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted.

Senator Singleton offered a substitute motion that the Senate refuse to adopt the conference committee report on **SCS** for **HCS** for **HB 1115** and request the House to grant further conference, and that the Senate conferees be instructed to delete Section 15.220, which motion failed.

Senator Russell moved that the conference committee report on **SCS** for **HCS** for **HB 1115** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll

Westfall	Wiggins--26		
	NAYS--Senators		
Gibbons	Klarich	Klindt	Loudon
Singleton	Yeckel--6		
	Absent--Senator Staples--1		
	Absent with leave--Senator DePasco--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1115**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1115

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Gibbons	Klindt	Loudon	Singleton--4
	Absent--Senator Staples--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1425**--Public Health and Welfare.

HS for **HCS** for **HB 1877**--Rules, Joint Rules, Resolutions and Ethics.

HCS for **HBs 1344** and **1944**--Judiciary.

HS for **HCS** for **HB 1440**--Insurance and Housing.

HS for **HB 1496**--Commerce and Environ-ment.

HCS for **HB 1689**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1926--Public Health and Welfare.

HB 1679--Financial and Governmental Organization, Veterans' Affairs and Elections.

RE-REFERRALS

President Pro Tem Kinder re-referred **HB 1489** to the Committee on Civil and Criminal Jurisprudence.

REFERRALS

President Pro Tem Kinder referred **SCR 65** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

SCR 66--Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 923, 828, 876, 694** and **736**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 13**.

HOUSE CONCURRENT RESOLUTION NO. 13

WHEREAS, HR 3113, the TANF Reauthorization Act of 2001, was introduced in the United States House of Representatives on October 12, 2001, which would reform the Temporary Assistance for Needy Families program to make it clear that the program's principal focus is the long-term reduction of poverty rather than a short-term immediate reduction in the welfare rolls; and

WHEREAS, HR 3113 would also make it clear that postsecondary education is a work activity under the TANF program by providing access to postsecondary education for TANF recipients as a permissible work activity; and

WHEREAS, in the United States, education has always been a route to economic self-sufficiency and social mobility; and

WHEREAS, in the twenty-first century, at least one year of postsecondary education will become increasingly more essential for all workers; and

WHEREAS, TANF does not currently extend our nation's commitment to educational opportunity to persons living in poverty with their children, but who are ready, willing, and able to benefit from postsecondary education; and

WHEREAS, data from several studies has demonstrated that the additional earning capacity that a postsecondary education provides can make the difference between economic self-sufficiency and continued poverty for many TANF recipients; and

WHEREAS, among families headed by African American, Latino, and Caucasian women, the poverty rate declines from fifty-one, forty-one, and twenty-two percent to twenty-one, eighteen and one-half, and thirteen percent, respectively, with at least one year of postsecondary education; and

WHEREAS, further data has found that postsecondary education not only increases incomes, it also improves self-esteem, increases children's education ambitions, including aspiring to enter postsecondary education themselves, and has a dramatic impact on quality of life; and

WHEREAS, now more than ever TANF recipients need postsecondary education to obtain the knowledge and skills required to compete for jobs and enable them to lift themselves and their children out of poverty in the long-term; and

WHEREAS, without some postsecondary education, most women who leave welfare for employment will earn wages that place them far below the federal poverty level, even after five years of employment; and

WHEREAS, allowing TANF recipients to attend postsecondary education, even for a short time, will improve their earning potential significantly, with the average person who attends a community college, even without graduating, earning approximately ten percent more than those persons who do not attend postsecondary education at all; and

WHEREAS, women who receive TANF assistance clearly appreciate the importance and role of postsecondary education in moving them out of poverty to long-term economic self-sufficiency; and

WHEREAS, as of November 1999, at least nineteen states had considered or enacted strategies to support recipient's efforts to achieve long-term economic self-sufficiency through the pursuit of postsecondary education:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, support HR 3113, the TANF Reauthorization Act of 2001; and

BE IT FURTHER RESOLVED that the General Assembly urges Missouri's Congressional delegation to support the passage of HR 3113, the TANF Reauthorization Act of 2001; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of Missouri's Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 34**.

HOUSE CONCURRENT RESOLUTION NO. 34

Relating to approval for the Curators of the University of Missouri to enter into a long-term ground lease of certain real property owned by the University and located in the City of Columbia for the purpose of construction of a hotel/convention center complex on said real property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the Curators of the University of Missouri, a public corporation of the State of Missouri, own certain real property located in the City of Columbia, Boone County, Missouri, more particularly described as follows:

A tract of land being part of the southeast quarter of Section 13, Township 48 North, Range 13 West; part of the southwest quarter of Section 18, Township 48 North, Range 12 West and part of the northwest quarter of Section 19, Township 48 North, Range 12 West in

Columbia, Boone County, Missouri.

Starting at the southeast corner of Section 13, Township 48 North, Range 13 West; thence N 1 15'E, along the range line, 104.73 feet to the north right-of-way of Stadium Boulevard (State Route 740), the point of beginning.

From the point of beginning and following said right-of-way N 88 18'W 47.10 feet; thence N 88 54'W 209.92 feet; thence North 44 10'W 85.00 feet; thence 89 06'W 15.50 feet to the east line of Monk Drive; thence N 1 15'E, along said line 737.00 feet to the south line of Hospital Drive; thence S 89 05'E, along said line 140 feet; thence northeasterly, continuing along said line 860 feet; thence easterly, continuing along the south line of Hospital Drive 440 feet to the west line of College Avenue (State Route 763); thence south, along said line 300 feet; thence southwesterly, continuing along the west line of College Avenue being a curve to the right 1130 feet to the north line of Stadium Boulevard; thence northwesterly, along said line being a curve to the left 750 feet to the beginning.

WHEREAS, the Curators of the University of Missouri intend to issue a "Request for Proposals" (RFP) for the construction of a hotel/convention center complex on said property and intend to use the proceeds derived from the lease of a portion of the above described property to the successful respondent toward the construction of a Performing Arts Center to be located on a portion of the described real property for the University of Missouri-Columbia; and

WHEREAS, the Curators of the University of Missouri intend to include all of the following principles in the "Request for Proposals" (RFP) for this University of Missouri-Columbia project:

- (1) The University will not own or operate the hotel/convention center complex;
- (2) The University intends to lease the real property for a term not to exceed 50 years;
- (3) The University intends to encourage as many interested parties as possible to respond to the RFP; and
- (4) The University will expect the successful respondent to pay all applicable taxes, including but not limited to personal property and real property taxes as assessed by governmental entities;

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby approve the Curators of the University of Missouri entering into a long-term ground lease with the successful respondent, as determined by the Curators of the University of Missouri, of the real property described above for the purpose of the construction of a hotel/convention center complex on said real property; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 28**.

HOUSE CONCURRENT RESOLUTION NO. 28

WHEREAS, sustained investment in electric, natural gas, water, sewer, and heating utility infrastructure is vital to the economic vitality and well-being of the State of Missouri; and

WHEREAS, Missouri electric, natural gas, water, sewer, and heating utility companies compete with utility companies in other states for the capital necessary to sustain investment in utility infrastructure in Missouri; and

WHEREAS, Missouri electric, natural gas, water, sewer, and heating utility companies must achieve reasonable rates of return as compared to the rates of return achieved by utility companies in other states to ensure sustained investment in utility infrastructure in Missouri; and

WHEREAS, the utility regulatory process is a primary factor in determining the rate of return levels regulated electric, natural gas, water, sewer, and heating utility companies may achieve; and

WHEREAS, the utility regulatory process in Missouri, as it applies to electric, natural gas, water, sewer, and heating corporations, is governed primarily by Chapter 393, RSMo, which is largely unchanged since original enactment in 1913; and

WHEREAS, the potential for the deregulation of utilities in Missouri has received substantial legislative study in recent years, while the ongoing utility regulatory process and procedure has not enjoyed broad legislative evaluation; and

WHEREAS, the utility regulatory process must be periodically evaluated so as to promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies, by addressing policy and practice advances in areas including, but not limited to, nontraditional regulatory rate plans, performance-based regulatory rate plans, incentive regulatory rate plans, capital recovery schedules, consistency of utility regulatory policy with generally accepted accounting principles, consistency of utility regulatory policy with financial accounting standards, consistency of utility regulatory policy with generally accepted engineering principles, communication between and among participants in the regulatory process, time schedules for the initiation and conclusion of proceedings before utility regulatory agencies, the role, function and needs of the Public Service Commission, the role, function and needs of the Office of Public Counsel, and the overall structure and cost of governmental utility regulatory agencies and the utility regulatory process; and

WHEREAS, the utility regulatory process must also continue to assure that all consumers continue to receive safe, reliable service at reasonable rates, especially as energy market behavior and other factors beyond Missouri's control exert more influence on the state's citizens:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, that a "Joint Interim Legislative Committee on Utility Regulation and Infrastructure Investment" be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the house of Representatives, to be appointed by the Speaker of the House of Representatives, and that the committee be authorized throughout the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that the committee conduct in-depth studies and make appropriate recommendations concerning: how the utility regulatory process and the results thereof in Missouri in regard to electric, natural gas, water, sewer, and heating utility companies compare to the utility regulatory process and the results thereof in other states; and how the utility regulatory process in Missouri in regard to electric, natural gas, water, sewer, and heating utility companies can, or should, be modernized to be more efficient and effective, ensure sustained investment in utility infrastructure, maintain or improve service safety and reliability, continue to provide reasonably priced utility services, and promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies; and

BE IT FURTHER RESOLVED that the committee present a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Office of the Public Counsel, political subdivisions of this state, energy utilities, water utilities, heating corporations and representatives of energy and water customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1869**, entitled:

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to peace officer residency

requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1524, regarding Skeeter Lewis, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Chuck Vasterling, St. Louis.

Senator Sims introduced to the Senate, Leigh Tait and Leah Eby, Clayton; and Dr. Teresa Deshields, St. Louis County; and Leigh and Leah were made honorary pages.

On behalf of Senator Klarich, the President introduced to the Senate, Denise Bertrand and her sons, Brian and Ian Steiner, Wildwood; and Brian and Ian were made honorary pages.

Senator Childers introduced to the Senate, Steve Hartly and Gala Raten, Branson.

Senator Steelman introduced to the Senate, Nathan Rues and Andrew Baughman, Rolla.

Senator Bentley introduced to the Senate, Dr. Gary Wright, Dr. Joyce Dana and 16 doctoral students from St. Louis University, St. Louis.

Senator Sims introduced to the Senate, Dr. Tim Eberlein, Ladue; Dr. John DiPersio, Clayton; and Ms. Shirley A. Johnson, Chesterfield.

Senator Sims introduced to the Senate, Mary Rassieur, Jean Quenon, Alice Callaway, Alma Davis, Carol Walker, Zandra Childress, Valerie P. Terry, Mydie Sant, Estie Pruitt, Judy Peil, Bunny Armstrong and Frances Davis, St. Louis County.

Senator Gross introduced to the Senate, his mother, Margaret Gross, St. Peters; and Carol Bmison, St. Charles.

Senator Goode introduced to the Senate, Marilyn Sullivan and students from Jefferson School, St. Louis County; and Chantel Hill, Latoni Miller, Carvel Claggett and Taylor Rhone were made honorary pages.

Senator Johnson introduced to the Senate, 39 eighth grade students from St. Therease School, Parkville; and Brandi Cutolo-Crain, Virginia Collins, Ryan Napoli and Lori Ciliberti were made honorary pages.

Senator Klarich introduced to the Senate, his wife, Cheryl, and their children, Rachael, Elsa, Jonathan, Samuel and Joshua, Ballwin; and Pat, Jim and Rebecca O'Donnell, Worcester, Massachusetts; and Rachael, Elsa, Jonathan, Samuel and Joshua were made honorary pages.

On behalf of Senator Gross and himself, Senator House introduced to the Senate, Penny Bennett and Penny Heuke, St. Charles.

Senator Foster introduced to the Senate, Taylor and Patricia Lueddecke, Peidmont; and Taylor and Patricia were made honorary pages.

Senator Cauthorn introduced to the Senate, Jack Creason and Pat Thomas, Mexico.

Senator Gibbons introduced to the Senate, 45 fourth grade students from St. Peters Elementary School, Kirkwood; and Sean McWay, Tim Dreyer, Kelsey Freeborg and Brenna Foley were made honorary pages.

Senator Coleman introduced to the Senate, fourth grade students from Columbia CEC Elementary School and Bryan Hill Elementary School, St. Louis.

On behalf of Senator Stoll, Senator Staples introduced to the Senate, Theresa Ponzar, Marilyn Kraemer, Tammy Cardona and 100 fourth grade students from Antonia Elementary School, Imperial.

Senator Wiggins introduced to the Senate, former State Representative Bill Tudor, Bill and Juanita Wilson and Jim and Lona Rawls, South Kansas City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SIXTH DAY-THURSDAY, APRIL 18, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1869-Barry

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,
866, 972 & 990-Cauthorn
(In Budget Control)

SCS for SBs 894, 975

& 927-Kinder

(In Budget Control)

SS for SCS for SBs 670 & 684-Sims

(In Budget Control)

SS for SCS for SB 1059-Bentley

(In Budget Control)

SCS for SBs 662 & 704-Westfall

(In Budget Control)

SS#2 for SCS for SBs

984 & 985-Steelman

(In Budget Control)

SS for SCS for SBs 923,

828, 876, 694 & 736-Sims

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
SB 660-Westfall, et al,
with SCS (pending)
SB 668-Bentley, with SS &
SA 1 (pending)
SB 689-Gibbons, et al,
with SCS
SB 713-Singleton
SB 735-Steelman and
Kinder, with SCS
SB 739-Wiggins, with SCS
SBs 766, 1120 & 1121-
Steelman, with SCS
SB 878-Sims, with SCS
SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)
SB 910-Gibbons
SB 912-Mathewson, with
SCS, SS for SCS & SA 4
(pending)
SB 926-Kenney, et al, with SCS
SB 938-Cauthorn, et al
SB 954-Loudon, with SCS
SB 971-Klindt, et al, with SCS
SB 1010-Sims
SB 1014-Klindt and Kinder

SB 1026-Kenney, et al, with SCS

SB 1040-Gibbons, et al, with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SB 1060-Westfall, with SCS

SBs 1063 & 827-Rohrbach

and Kenney, with SCS

SB 1087-Gibbons, et al, with SCS

SBs 1095 & 1195-Cauthorn,

with SCS

SB 1099-Childers, with SCS

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SBs 1112 & 854-Caskey and

Russell, with SCS

SB 1133-Gross, with SCS

SB 1140-Rohrbach

SB 1152-Klarich, with SCS

SB 1157-Klindt, with SCS

SB 1191-Jacob

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SB 1232-Singleton

SRB 1236-Rohrbach

SB 1248-Mathewson and

Kenney, with SCAs 1 & 2

SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 2120-Ridgeway and

Hosmer, with SCS

HB 1955-Hilgemann, et al,

with SCS

HB 1659-Kelly (27)

HB 1537-Clayton, with SCS

(Klarich)

HB 1814-Monaco, et al,

with SCA 1

HB 1715-Moore, et al

HB 1768-Hosmer, et al,

with SCA 1 (Klarich)

HB 1895-Carnahan, et al

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,

with SCS

HB 1148-Ross

HB 1580-Barnett

HB 1811-Gambaro, with SCS

(Dougherty)

HB 1839-Seigfreid

HB 1846-Scott, with SCS

HB 1849-Barnitz and

Overschmidt, with SCS

HB 1861-Burcham

HB 1982-Richardson (Foster)

HB 2002-Farnen and Naeger

HB 2018-Bartle, et al

HB 2039-Kreider

HB 2064-Walton, et al

HB 2130-Boykins, et al

HB 2047-Ransdall, et al,

with SCS

HB 2022-Richardson, with

SCS (Stoll)

HB 1973-Bowman

HB 1515-Burton

HB 1477-Farnen, with SCS

HB 1406-Barnett, with SCS

(Klindt)

HB 1964-Gambaro, with SCS

(Yeckel)

HB 1635-Hoppe, with SCS

HB 2009-O'Connor, with SCS

HB 1838-Hosmer

HB 1085-Mays (50)

HB 1548-Barry, with SCS

HB 1812-Riback Wilson

(Sims)

HB 1781-Green (73) and

Ladd Baker

HB 1783-Lowe, et al, with

SCS

HB 1636-Hoppe, with SCS

HB 1840-Seigfreid

HB 1032-Portwood

HB 1313-Burton, with SCS

HB 1937-Barry, with SCA 1

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al

HB 1921-Green (73), with

SCS

HB 2117-Boucher (Caskey)

HB 1086-Harlan, with SCS

(House)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus (Yeckel)

HB 1342-Farnen

HB 1668-Holt, et al

HB 1822-Walton

HB 1492-Seigfreid, with SCS

HB 1495-Seigfreid, with SCS

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al, with SCS

HB 1674-O'Toole and Dempsey

HB 1890-Hilgemann, et al,

with SCS

HB 1837-Berkowitz, et al,

with SCS

HB 1518-Luetkenhaus

HB 1568-Luetkenhaus, with SCS

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS

HB 1918-Koller, with SCS

HBs 1093, 1094, 1159, 1204,

1242, 1272, 1391, 1397,

1411, 1624, 1632, 1714,

1755, 1778, 1779, 1852,

1862, 2025 & 2123-Relford

and Seigfreid, with SCS

HBs 1141, 1400, 1645, 1745

& 2026-Naeger, with SCS

HBs 1205, 1214, 1314, 1320,

1504, 1788, 1867 & 1969-

Seigfreid and Relford, with

SCS

HB 1075-Nordwald

HB 2032-Hosmer, with SCS

HB 2062-Hosmer, et al

HB 1789-Ross, et al, with SCS

HB 1643-Holand and Barry

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

To be Referred

HCR 18-Copenhaver

HCR 16-Farnen, et al

HCR 24-Kreider

HCR 13-Bowman, et al

HCR 34-Riback Wilson

HCR 28-Willoughby

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SIXTH DAY--THURSDAY, APRIL 18, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"I love the Lord, because he has heard the voice of my supplications, because he has inclined his ear to me whenever I called upon him." (Psalm 116:1)

Holy God, we thank You daily for we call upon You and You hear our voice and You incline Your ear to our prayers. We thank You for Your blessing us with Your guidance presence. We thank You for those You have given us to love and for teaching us to love as You have loved us. We ask You to watch over us this day in the work we complete here and in our traveling to be with loved ones once again. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV, Columbia Missourian and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 1525, regarding the Fire Department New York, which was adopted.

Senator Stoll offered Senate Resolution No. 1526, regarding the Jefferson County Democratic Central Committee, which was adopted.

Senator Stoll offered Senate Resolution No. 1527, regarding Sharon "Sherry" Armstrong, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1528

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Carl L. Schweitzer, of Kansas City; and

WHEREAS, Mr. Schweitzer, a native of Boonville, MO, grew up in Windsor and graduated from Windsor High School in 1946; and

WHEREAS, Mr. Schweitzer served in the United States Navy from 1946 to 1948 and then graduated from the University of Missouri-Columbia in 1952, after which he became one of the most loyal and outspoken alumni in the history of the University and an ardent fan of all of its athletic teams; and

WHEREAS, Mr. Schweitzer became associated with Price-Waterhouse in St. Louis in 1952, later worked for Trogue Nichols in Kansas City as the company's controller, became treasurer for Columbian Hog and Cattle Farm and later Vice President and Treasurer of National Alfalfa, before his retirement in 1994; and

WHEREAS, Mr. Schweitzer was a member of the Vanguard Breakfast Club, received the Distinguished Service Award from the University of Missouri Alumni Association, was Past President of the University of Missouri Association in 1988, and on its Executive Committee for eight years, receiving the Faculty-Alumni Award in 1991, and received the National Alumni Award for support of Volunteer Services to the University of Missouri; and

WHEREAS, Mr. Schweitzer was a Diplomat in the Jefferson Club of the University of Missouri Alumni Association and served by appointment of Governor Mel Carnahan as a Commissioner of the Jackson County Sports Complex Authority for seven years; and

WHEREAS, Carl Schweitzer was most of all a devoted husband and father in whose heart and love his family always came first:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of a distinguished Kansas Citian and Missourian, Carl Lawrence Schweitzer, express their appreciation for his lifetime of good citizenship and his contribution to Kansas City and to Missouri, and express to his wife, Mrs. Barbara Connors Schweitzer, his family and many friends, most sincere sympathy on his death.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of Carl Schweitzer.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 894, 975 and 927**; **SS** for **SCS** for **SBs 837, 866, 972 and 990**; and **SS** for **SCS** for **SBs 670 and 684**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 892**; **SCS** for **SB 676**; **SB 1104**; and **SS** for **SCS** for **SB 900**; begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

James D. Jackson, as a member of the Missouri Family Trust Board of Trustees;

Also,

Tia Marie Strait and Frances E. Tourdot, as members of the Advisory Commission for Dental Hygienists;

Also,

Charles E. Templeton, as a member of the Personnel Advisory Board;

Also,

Cynthia A. Webb, as a member of the State Board of Cosmetology;

Also,

William A. Markland, as a member of the Missouri Board for Occupational Therapy;

Also,

Mariann Tow and Pier C. Patterson, as members of the Missouri Ethics Commission;

Also,

Randa Rawlins, as a member of the Board of Governors for Truman State University;

Also,

Dwayne A. Crompton and John R. Wilson, as members of the Missouri Housing Development Commission;

Also,

Terry E. Carlisle, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

John J. McNeerney, as a member of the Elevator Safety Board.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **HCR 18**, **HCR 13** and **HCR 28** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following concurrent resolutions were read the 2nd time and referred to the Committees indicated:

HCR 16--Rules, Joint Rules, Resolutions and Ethics.

HCR 24--Rules, Joint Rules, Resolutions and Ethics.

HCR 34--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 923, 838, 876, 694** and **736** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 837, 866, 972** and **990**, introduced by Senator Cauthorn, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 837, 866, 972 and 990

An Act to repeal sections 142.028, 348.430, 348.432 and 414.032, RSMo, relating to agriculturally-based fuels, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

On motion of Senator Cauthorn, **SS** for **SCS** for **SBs 837, 866, 972** and **990** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Russell
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senator Rohrbach--1			
Absent--Senators			
Coleman	Quick	Schneider	Singleton--4
Absent with leave--Senators			
DePasco	Johnson	Staples--3	

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SCS for **SBs 894, 975** and **927**:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 894, 975 and 927

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing, school supplies and personal computers before the start of the school year, with an emergency clause and a termination date.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SCS** for **SBs 894, 975 and 927** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Russell	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
NAYS--Senators			
Goode	Rohrbach	Singleton--3	
Absent--Senators			
Bentley	Coleman	Quick	Schneider--4
Absent with leave--Senators			
DePasco	Johnson	Staples--3	

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Dougherty
Foster	Gibbons	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Sims
Steelman	Stoll	Wiggins	Yeckel--20
NAYS--Senators			
Goode	Mathewson	Rohrbach	Schneider
Singleton	Westfall--6		
Absent--Senators			
Bentley	Childers	Coleman	Quick
Russell--5			
Absent with leave--Senators			
DePasco	Johnson	Staples--3	

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 670 and 684**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 670 and 684

An Act to repeal sections 168.021, 191.900, 191.910, 198.012, 198.029, 198.032, 198.067, 198.070, 198.082, 198.090, 198.526, 198.532, 344.050, 565.186, 565.188, 565.190, 630.140, 630.167, 660.050, 660.058, 660.305, 660.315, 660.317 and 660.320, RSMo, relating to protection of the elderly, and to enact in lieu thereof thirty-five new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Sims, **SS** for **SCS** for **SBs 670** and **684** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Coleman Quick--2

Absent with leave--Senators

DePasco Johnson Staples--3

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 954**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 954**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 954

An Act to repeal section 288.030, RSMo, relating to employment security definitions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Loudon moved that **SCS** for **SB 954** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Loudon, **SCS** for **SB 954** was declared perfected and ordered printed.

Senator Wiggins moved that **SB 739**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 739**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 739

An Act to repeal sections 436.200, 436.205, 436.209 and 436.212, RSMo, and to enact in lieu thereof eighteen new sections relating to athlete agents.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 739** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 739** was declared perfected and ordered printed.

Senator Kenney moved that **SB 1026**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1026**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1026

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage.

Was taken up.

Senator Kenney moved that **SCS** for **SB 1026** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SB 1026** was declared perfected and ordered printed.

Senator Klindt moved that **SB 1014** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Klindt, **SB 1014** was declared perfected and ordered printed.

Senator Caskey moved that **SB 1112** and **SB 854**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1112** and **854**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1112 and 854

An Act to repeal sections 44.023, 306.124, 307.177, 542.400, 542.402, 542.404, 542.406, 542.408, 542.410, 542.412, 542.414, 542.416, 542.418, 542.420, 542.422, 570.030, 571.020, 574.105, 574.115, 575.080, 578.008 and 610.021, RSMo, relating to terrorism, and to enact in lieu thereof twenty-six new sections relating to the same subject, with an emergency clause and penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SBs 1112** and **854** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SBs 1112** and **854** was declared perfected and ordered printed.

Senator Rohrbach moved that **SRB 1236** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Rohrbach, **SRB 1236** was declared perfected and ordered printed.

Senator Westfall moved that **SB 1060**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1060**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1060

An Act to repeal sections 52.250 and 52.290, RSMo, relating to county collectors and treasurers ex officio collectors, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Westfall moved that **SCS** for **SB 1060** be adopted.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1060, Page 5, Section 54.327, Line 13, by inserting after said line the following:

"59.040. 1. In a county of the third class, the question of combining the offices of circuit clerk and recorder or separating the offices may be submitted to the voters of the county by the county commission and shall be submitted by the county commission upon the petition of voters who comprise at least eight percent of the voters of the county as determined by the total vote for governor at the last preceding general election at which a governor was elected.

2. If the two offices are separate and the question is to combine the two offices, the question shall be submitted in substantially the following form:

Shall the offices of circuit clerk and recorder in (name of county) county be combined?

3. If the two offices are combined and the question is to separate the two offices, the question shall be submitted in substantially the following form:

Shall the offices of circuit clerk and recorder in (name of county) county be separated?

4. The submission of the question provided for in this section may be made at the November election in 2004, or

any fourth year thereafter. Any consolidation or separation brought about as a result of the provisions of this section shall not become effective until the expiration of the term of office of the officers affected.

59.042. In any county where the offices of **the** clerk of the circuit court and the recorder of deeds are combined, the governing body of said county [, by public vote,] may, **by their own action in public session or under the provisions of 59.040**, authorize the separation of the two offices. Thereafter, the recorder of deeds shall be elected pursuant to section 59.020."; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Westfall moved that **SCS** for **SB 1060**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 1060**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1406**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1086**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1837**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 2032**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 60**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 60

WHEREAS, the State of Missouri recognizes the critical importance of information technology to its government, industry and local economy; and

WHEREAS, high technology has made enormous contributions to Missouri's economic growth and competitiveness; and

WHEREAS, the high technology industry is one of the most vibrant sectors of Missouri's economy, with over 3,670 high technology companies employing 21,300 Missouri residents and generating over \$1 billion in annual wages; and

WHEREAS, high technology jobs are high-paying, high-skill, dynamic, and adaptable, with the average Missouri high technology worker earning \$50,000 a year; and

WHEREAS, the positive economic impact of high technology in Missouri does not end with workers in well-paid high technology jobs, but extends to the businesses that provide goods and services to high technology companies, resulting in an overall impact of 66,100 jobs and more than \$2.4 billion in wages for Missouri residents; and

WHEREAS, software piracy represents one of the greatest threats to the continued growth of Missouri's high technology industry, with software piracy costing the Missouri economy nearly 1,900 jobs and \$80 million in wages annually; and

WHEREAS, software piracy robs \$15.1 million annually from the State of Missouri in lost tax revenues; and

WHEREAS, software piracy can have a serious chilling effect on creativity, innovation, and profitability in the vital high technology sector of Missouri's economy; and

WHEREAS, counterfeit and other forms of pirated software expose consumers, including state agencies, to the risk of computer viruses, reduced technical support, and other problems that prevent the efficient operation of information systems; and

WHEREAS, due to the destructive impact of software piracy on the Missouri economy and consumers, the Missouri General Assembly recognizes the need to develop a comprehensive statewide response to combat the use of unlicensed software in all state agencies and promote sound management of state information systems:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Governor to issue an executive order that:

- (1) Directs each state agency to work diligently to prevent and combat computer software piracy;
- (2) Gives full force and effect to copyrights associated with computer software;
- (3) Observes all relevant provisions of federal law, including the federal copyright acts and all applicable licensing restrictions; and
- (4) Promotes the proper acquisition, management, and use of software by state agencies, contractors, and recipients of state funds; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor of Missouri.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 64**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 57

WHEREAS, sustained investment in electric, natural gas, water sewer and heating utility infrastructure is vital to the economic vitality and well-being of the State of Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies compete with utility companies in other states for the capital necessary to sustain investment in utility infrastructure in Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies must achieve reasonable rates of return as compared to the rates of return achieved by utility companies in other states to ensure sustained investment in utility infrastructure in Missouri; and

WHEREAS, the utility regulatory process in Missouri, as it applies to electric, natural gas, water sewer and heating corporations, is governed primarily by Chapter 393, RSMo, which is largely unchanged since original enactment in 1913; and

WHEREAS, the potential for the deregulation of utilities in Missouri has received substantial legislative study in recent years, while the ongoing utility regulatory process and procedure has not enjoyed broad legislative evaluation; and

WHEREAS, the utility regulatory process must be periodically evaluated so as to promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies, by addressing policy and practice advances in areas including, but not limited to, non-traditional regulatory rate plans, performance-based regulatory rate plans, incentive regulatory rate plans, capital recovery schedules, consistency of utility regulatory policy with generally accepted accounting principles, consistency of utility regulatory policy with financial accounting standards, consistency of utility regulatory policy with generally accepted engineering principles, communication between and among participants in the regulatory process, time schedules for the initiation and conclusion of proceedings before utility regulatory agencies, the role, function and needs of the Public Service Commission, the role, function and needs of the Office of Public Counsel and the overall structure and cost of governmental utility regulatory agencies and the utility regulatory process:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Legislative Committee on Utility Regulation and Infrastructure Investment; and

BE IT FURTHER RESOLVED that said Committee be composed of five members of the Senate, to be appointed by the President Pro Tem and five members of the House of Representatives to be appointed by the Speaker of the House and that said committee be authorized to function throughout the entirety of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said Committee conduct in-depth studies and make appropriate recommendations concerning: how the utility regulatory process and the results thereof in Missouri in regard to electric, natural gas, water sewer and heating utility companies compare to the utility regulatory process and the results thereof in other states; and how the utility regulatory process in Missouri in regard to electric, natural gas, water sewer and heating utility companies can, or should, be modernized to be more efficient and effective, ensure sustained investment in utility infrastructure and promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies; and

BE IT FURTHER RESOLVED that said Committee present a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-third General Assembly; and

BE IT FURTHER RESOLVED that said Committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Office of Public Counsel, political subdivisions of this state, energy utilities, water utilities, heating corporations and representatives of energy and water customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Committee, its members and any staff personnel assigned to the Committee incurred in attending meetings of the Committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1306**, entitled:

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to a multicultural program and committee within the office of the lieutenant governor, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1654** and **1156**, entitled:

An Act to repeal sections 191.900, 191.910, 197.310, 197.317, 197.318, 197.340, 197.367, 197.455, 198.006, 198.012, 198.022, 198.026, 198.029, 198.032, 198.036, 198.039, 198.067, 198.070, 198.073, 198.080, 198.082, 198.085, 198.086, 198.088, 198.090, 198.093, 198.525, 198.526, 198.531, 198.532, 208.156, 210.933, 210.936, 344.050, 565.186, 565.188, 565.190, 630.140, 630.167, 660.050, 660.263, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof seventy-six new sections relating to protection of the elderly, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1756**, entitled:

An Act to repeal sections 191.656, 191.659, 191.677, and 567.020, RSMo, and to enact in lieu thereof five new sections relating to sexually transmitted diseases, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1058**, entitled:

An Act to repeal section 557.035, RSMo, and to enact in lieu thereof one new section relating to hate crimes, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1502** and **1821**, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to credit information used in insurance underwriting.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1509** and **1510**, entitled:

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eleven new sections relating to police retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1888**, entitled:

An Act to repeal sections 367.031 and 367.055, RSMo, and to enact in lieu thereof two new sections relating to use of pawnshop databases for law enforcement purposes, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1527**, entitled:

An Act to repeal sections 172.030, 172.040, 172.060, 174.450, 174.610, 174.620, and 174.621, RSMo, and to enact in lieu thereof seven new sections relating to the governing boards of certain state higher education institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1809**, entitled:

An Act to repeal sections 162.291, 162.459, and 162.601, RSMo, and to enact in lieu thereof four new sections relating to recall elections for certain school board members.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Vergil L. Belfi, 5638 Murdoch, St. Louis City, Missouri 63109, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending May 31, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Burton A. Boxerman, 9622 Old Bonhomme Road, St. Louis, St. Louis County, Missouri 63121, as a member of the Second State Capitol Commission, for a term ending April 18, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 8.001.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Scott Burnett, 1100 Valentine Road, Kansas City, Jackson County, Missouri 64111, as a member of the Second State Capitol Commission, for a term ending April 18, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 8.001.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

H. Gene Dexter, 620 Northwest Cortland Drive, Blue Springs, Jackson County, Missouri 64015, as a public member of the Committee for Professional Counselors, for a term ending August 28, 2004, and until his successor is duly appointed and qualified; vice, Pier Patterson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Betty Cooper Hearnese, 3100 East Marshall, Charleston, Mississippi County, Missouri 63834, as a member of the Second State Capitol Commission, for a term ending April 18, 2004, and until her successor is duly appointed and qualified; vice, RSMo. 8.001.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dana Hockensmith, 428 Redwood Forest Drive, Manchester, St. Louis County, Missouri 63021, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2003, and until his successor is duly appointed and qualified; vice, Lonnie Hasty, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas Lang, 6824 Bonnie Avenue, St. Louis, St. Louis County, Missouri 63123, as a member of the Missouri Board of Pharmacy, for a term ending April 12, 2007, and until his successor is duly appointed and qualified; vice, Thomas M. Gialde, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen M. Mahfood, 7311 North Shore Road, Hartsburg, Boone County, Missouri 65039, as a member of the Second State Capitol Commission, for a term ending April 18, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 8.001.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen L. Roling, Democrat, 11920 Summit Street, Kansas City, Jackson County, Missouri 64145, as Chairperson of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 217.900.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Kinder referred **SB 1104** and **SCS** for **SB 676** to the Committee on State Budget Control.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1529, regarding Thomas R. Hughes, St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Mathewson and himself, Senator Kenney introduced to the Senate, Jeff Grisamore, Ms. Erin Moore, Arlin Bauer and seventh and eighth grade students from Trinity Lutheran School, Alma.

Senator Klindt introduced to the Senate, his brother, Douglas Klindt, Cameron.

Senator Foster introduced to the Senate, Ralph Stucker, Jack Armor, Randy Hastings, Toby M. Tuggle, Bob Fredwell and Allen Smith, Poplar Bluff.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons, M.D., St. Louis.

Senator Childers introduced to the Senate, 30 eighth grade students from Shell Knob School, Shell Knob.

Senator Stoll introduced to the Senate, Kathy Weither and 30 seventh grade students from St. Joseph's Catholic School, Imperial.

Senator Singleton introduced to the Senate, Andy Nimmo and Grady Weston, Redings Mill; and Allyn and Jack Reding, Duenweg.

Senator Kinder introduced to the Senate, students, parents and teachers from Clippard Elementary School, Cape Girardeau.

On motion of Senator Kenney, the Senate adjourned until 2:00 p.m., Monday, April 22, 2002.

SENATE CALENDAR

FIFTY-SEVENTH DAY-MONDAY, APRIL 22, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1869-Barry

HB 1306-Williams, et al

HS for HCS for HBs 1654 &

1156-Hosmer

HS for HCS for HB 1756-

Reid

HB 1058-Haywood

HS for HCS for HBs 1502 &

1821-Luetkenhaus

HCS for HBs 1509 & 1510

HCS for HB 1888

HS for HCS for HB 1527-

Graham

HCS for HB 1809

THIRD READING OF SENATE BILLS

SS for SCS for SB 1059-Bentley

(In Budget Control)

SCS for SBs 662 & 704-Westfall

(In Budget Control)

SS#2 for SCS for SBs

984 & 985-Steelman

(In Budget Control)

SS for SCS for SBs 923,

828, 876, 694 & 736-Sims

(In Budget Control)

SCS for SB 892-Kenney

SCS for SB 676-Yeckel, et al

(In Budget Control)

SB 1104-Mathewson

(In Budget Control)

SS for SCS for SB 900-

Goode

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al, with SCS

SB 713-Singleton

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 878-Sims, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with SCS,

SS for SCS & SA 4 (pending)

SB 926-Kenney, et al, with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1040-Gibbons, et al, with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS

SB 1087-Gibbons, et al,

with SCS

SBs 1095 & 1195-Cauthorn,

with SCS

SB 1099-Childers, with SCS

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1140-Rohrbach

SB 1152-Klarich, with SCS

SB 1157-Klindt, with SCS

SB 1191-Jacob

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SB 1232-Singleton

SB 1248-Mathewson and

Kenney, with SCAs 1 & 2

SBs 1279, 1162 & 1164-

Kinder and Wiggins, with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending) CONSENT CALENDAR

Senate Bills

Reported 2/5SB 995-Rohrbach

House Bills

Reported 4/15

HB 2120-Ridgeway and

Hosmer, with SCS

HB 1955-Hilgemann, et al,
with SCS

HB 1659-Kelly (27)

HB 1537-Clayton, with SCS
(Klarich)

HB 1814-Monaco, et al,
with SCA 1

HB 1715-Moore, et al

HB 1768-Hosmer, et al,
with SCA 1 (Klarich)

HB 1895-Carnahan, et al

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,
with SCS

HB 1148-Ross

HB 1580-Barnett

HB 1811-Gambaro, with SCS
(Dougherty)

HB 1839-Seigfreid

HB 1846-Scott, with SCS

HB 1849-Barnitz and
Overschmidt, with SCS

HB 1861-Burcham

HB 1982-Richardson
(Foster)

HB 2002-Farnen and Naeger

HB 2018-Bartle, et al

HB 2039-Kreider

HB 2064-Walton, et al

HB 2130-Boykins, et al

HB 2047-Ransdall, et al,

with SCS

HB 2022-Richardson, with

SCS (Stoll)

HB 1973-Bowman

HB 1515-Burton

HB 1477-Farnen, with SCS

HB 1964-Gambaro, with SCS

(Yeckel)

HB 1635-Hoppe, with SCS

HB 2009-O'Connor, with

SCS

HB 1838-Hosmer

HB 1085-Mays (50)

HB 1548-Barry, with SCS

HB 1812-Riback Wilson

(Sims)

HB 1781-Green (73) and

Ladd Baker

HB 1783-Lowe, et al, with

SCS

HB 1636-Hoppe, with SCS

HB 1840-Seigfreid

HB 1032-Portwood

HB 1313-Burton, with SCS

HB 1937-Barry, with SCA 1

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al

HB 1921-Green (73), with SCS

HB 2117-Boucher (Caskey)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus (Yeckel)

HB 1342-Farnen

HB 1668-Holt, et al

HB 1822-Walton

HB 1492-Seigfreid, with SCS

HB 1495-Seigfreid, with SCS

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al, with SCS

HB 1674-O'Toole and Dempsey

HB 1890-Hilgemann, et al,

with SCS

HB 1518-Luetkenhaus

HB 1568-Luetkenhaus, with

SCS

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS

HB 1918-Koller, with SCS

HBs 1093, 1094, 1159, 1204,

1242, 1272, 1391, 1397,

1411, 1624, 1632, 1714,

1755, 1778, 1779, 1852,

1862, 2025 & 2123-Relford

and Seigfreid, with SCS

HBs 1141, 1400, 1645, 1745

& 2026-Naeger, with SCS

HBs 1205, 1214, 1314, 1320,

1504, 1788, 1867 & 1969-

Seigfreid and Relford, with SCS

HB 1075-Nordwald

HB 2062-Hosmer, et al

HB 1789-Ross, et al, with SCS

HB 1643-Holand and Barry

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11

SCR 60-Kennedy, with SCS

SCR 64-Caskey

SCR 57-Steelman, with SCS

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SEVENTH DAY--MONDAY, APRIL 22, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

Holy and Gracious Father, we thank You that You are a God of compassion and caring, for we call upon You on behalf of Senator DePasco, his family and friends. Guide the hands and minds of the surgeon and doctors who care for him. Provide Your healing touch that its power may flow throughout his body bringing him to health and wholeness. Comfort us, his friends and his family, with Your mercy and grace and give us Your peace. Lord we recognize our need of You in our lives and ask Your guidance this week. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Maxwell assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 18, 2002, was read and approved.

Photographers from the Associated Press, KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 1530, regarding Allison Yarnell, St. Joseph, which was adopted.

Senator Steelman offered Senate Resolution No. 1531, regarding Matthew Paul Wilding, Hermann, which was adopted.

Senator Caskey offered Senate Resolution No. 1532, regarding Eric Chambers, Nevada, which was adopted.

Senator Caskey offered Senate Resolution No. 1533, regarding the One Hundredth Birthday of Mary Virginia Asbury Whitfield, Warrensburg, which was adopted.

Senator Bland offered Senate Resolution No. 1534, regarding Madeline Simington, which was adopted.

Senator Gross offered Senate Resolution No. 1535, regarding Mary Dempsey, which was adopted.

Senator House offered Senate Resolution No. 1536, regarding the Seventy-fifth Anniversary of the Montgomery City Public Library, which was adopted.

Senator House offered Senate Resolution No. 1537, regarding Brian Malone, which was adopted.

Senator Yeckel offered Senate Resolution No. 1538, regarding Dr. Sandra LaRue Shannon, O'Fallon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1539, regarding Christina Hall, which was adopted.

Senator Yeckel offered Senate Resolution No. 1540, regarding Allegiant Bank, St. Louis, which was adopted.

Senator Mathewson offered Senate Resolution No. 1541, regarding Phillip Santoli, which was adopted.

Senator Mathewson offered Senate Resolution No. 1542, regarding Kathy Jenkins, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1543

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Thomas E. Blottman, of Kansas City; and

WHEREAS, Tom Blottman was born in Kansas City March 31, 1936, and was a lifelong area resident; and

WHEREAS, Tom Blottman was an All Star Athlete who attended Hogan High School and St. Benedicts College where he excelled in basketball; and

WHEREAS, Tom Blottman was a U.S. Army veteran who served his country in Korea; and

WHEREAS, Tom Blottman was an outgoing personable man who had uncountable friends and who made more every place he went and whatever he did and who will be sadly missed by all who ever met and knew him:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberation to salute the memory of an outstanding Kansas Citian, Thomas E. Blottman, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City and particularly to the field of sports, and extend to his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution.

Senator Klarich offered Senate Resolution No. 1544, regarding Lora Mae Davis, St. Clair, which was adopted.

Senator Bentley offered Senate Resolution No. 1545, regarding Environmental Works, Incorporated, (EWI), Springfield, which was adopted.

Senator Russell offered Senate Resolution No. 1546, regarding Aletha June Franklin, Camdenton, which was adopted.

Senator Russell offered Senate Resolution No. 1547, regarding John Russell, which was adopted.

Senator Caskey offered Senate Resolution No. 1548, regarding Bonnie Oberlechner, Peculiar, which was adopted.

THIRD READING OF SENATE BILLS

SCS for **SB 892**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 892

An Act to repeal sections 214.270 and 214.387, RSMo, relating to cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Kenney.

On motion of Senator Kenney, **SCS** for **SB 892** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	House
Jacob	Kennedy	Kenney	Klarich
Klindt	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senators

Goode	Gross	Kinder--3
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Absent--Senators

Bland	Coleman--2
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Absent with leave--Senators

DePasco	Johnson	Loudon	Schneider--4
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The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 900**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 900

An Act to amend chapter 393, RSMo, by adding thereto two new sections relating to aggregate purchase of natural gas by eligible school entities, with an emergency clause.

Was taken up.

On motion of Senator Goode, **SS** for **SCS** for **SB 900** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

	NAYS--Senators--None		
	Absent--Senators		
Coleman	Staples--2		
	Absent with leave--Senators		
DePasco	Johnson	Loudon	Schneider--4

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Rohrbach	Russell
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	NAYS--Senator Singleton--1		
	Absent--Senators		
Coleman	Quick	Staples--3	
	Absent with leave--Senators		
DePasco	Johnson	Loudon	Schneider--4

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SRB 1236; SCS for SB 1026; SS No. 2 for SCS for SBs 688, 663, 691, 716, 759, 824 and 955; SCS for SBs 915, 710 and 907; SCS for SBs 1112 and 854; SCS for SB 954; SB 1014; SCS for SB 739; SCS for SB 1060; and SS for SCS for SB 1107**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **HB 1342; SCS for SBs 1112 and 854; and SCS for SBs 915, 710 and 907** to the

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1101**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1102**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1103**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1104**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1105**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1107**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1108**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1109**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1110**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1111**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1112**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 1191** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Jacob offered **SS** for **SB 1191**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1191

An Act to amend chapter 8, RSMo, by adding thereto twenty-three new sections relating to the Missouri tobacco settlement authority act, with an emergency clause.

Senator Jacob moved that **SS** for **SB 1191** be adopted.

Senator Kinder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1191, Page 4, Section 8.520, Line 15 of said page, by striking the word "three" and inserting in lieu thereof the word "**five**"; and further amend line 16 of said page, by striking the word "and"; and further amend said line 16, by inserting immediately after the word "general" the following: "**the president pro tem of the senate and the speaker of the house of representatives**"; and further amend line 18 of said page, by striking the word "Two" and inserting in lieu thereof the word "**Three**".

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Singleton offered **SS** for **SS** for **SB 1191**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1191

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the establishment of the tobacco settlement for healthy Missourians trust fund, with an effective date for a certain section and a referendum clause.

Senator Singleton moved that **SS** for **SS** for **SB 1191** be adopted.

Senator Jacob raised the point of order that **SS** for **SS** for **SB 1191** is out of order as it is not a true substitute.

The point of order was referred to the President Pro Tem.

At the request of Senator Singleton, **SS** for **SS** for **SB 1191** was withdrawn, rendering the point of order moot.

Senator Singleton offered **SS No. 2** for **SS** for **SB 1191**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1191

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the establishment of the tobacco settlement for healthy Missourians trust fund, with an effective date for a certain section and a referendum clause.

Senator Singleton moved that **SS No. 2** for **SS** for **SB 1191** be adopted.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Bill No. 1192, Page 5, Section 196.1140, Line 19, by deleting the words "equal to" on said line and inserting in lieu thereof the words "not more than".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Substitute for Senate Bill No. 1191, Pages 6 and 7, Section 196.1154, Section B and Section C, by deleting all of said sections; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Substitute for Senate Bill No. 1191, Page 7, Section C, Lines 13-15, by deleting all of said lines after the word "spending" on line 13.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Singleton moved that **SS No. 2** for **SS** for **SB 1191**, as amended, be adopted, which motion failed.

SS for **SB 1191** was again taken up.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1191, Page 19, Section 8.590, Line 8 of said page, by inserting after all of

said line the following:

"8.592. 1. As used in this section, the following words and phrases shall mean:

- (1) "Abortion services" shall include performing, inducing, or assisting with abortions, or encouraging or counseling patients to have abortions, or referring patients for abortions, but shall not include nondirective counseling;**
- (2) "Child", if in vivo, an unborn child as defined in section 188.015, RSMo, and if in vitro, a human being at any of the stages of biological development of an unborn child from conception or inception onward;**
- (3) "Conception", as defined in section 188.015, RSMo;**
- (4) "Facilities and administrative costs", those costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular research project or any other institutional activity;**
- (5) "Human cloning", genetic duplication or replication of a human being, whether living or deceased, regardless of the stage of development of such human being, from whom genetic material was donated or taken in order to complete such duplication or replication;**
- (6) "Independent affiliate", an entity that provides abortion services that is affiliated with an entity that receives public funds appropriated to any department, division or agency of state government or to any other official or entity, which is separately incorporated from the entity that receives such public funds, and which does not share any of the following, regardless of whether or not reimbursement is made for any expenditures associated with sharing the following:**
 - (a) The same name or similar names;**
 - (b) Medical or non-medical facilities, including but not limited to business offices, treatment, consultation, examination, and waiting rooms;**
 - (c) Expenses;**
 - (d) Employee wages or salaries; or**
 - (e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment and office supplies;**
- (7) "Nondirective counseling" includes providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide;**
- (8) "Prohibited human research", research in a proposed research project in which there is the taking or utilization of the organs, tissue or cellular material of a:**
 - (a) Deceased child, unless consent is given in the manner provided in sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent cause the death of such child or consented to another person causing the death of such child;**
 - (b) Living child, when the intended or likely result of such taking or utilization is to kill or cause harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;**
- (9) "Public funds", any moneys derived from the proceeds from bonds issued pursuant to sections 8.570 to**

8.590, moneys in any state funds into which such proceeds are deposited and commingled, and any other moneys received or controlled by the state of Missouri or any official, department, division, agency or political subdivision thereof, including, but not limited to, moneys derived from federal, state or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers; and including moneys received or controlled by any official, department, division or agency of state government, or to any other person or entity, pursuant to appropriation by the general assembly;

(10) "Research project", research specified in an award of public funds conducted under the auspices of the institution or institutions that applied for and received such award, regardless of whether the research is funded in whole or part by such grant award. Such research shall include basic research, including the discovery of new knowledge; translation research, including translating knowledge into a usable form; and development research and clinical research, including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease. Such research shall include, but not be limited to, any life sciences research funded pursuant to the program plan;

2. Public funds shall not be expended, paid or granted to directly or indirectly to subsidize abortion services or administrative expenses. In order to ensure that support is not lent in any manner to abortion services, and to ensure that an entity that provides abortion services does not receive a direct or indirect economic or marketing benefit from public funds:

(1) Public funds shall not be expended, paid or granted to an entity or an affiliate of an entity that provides abortion services.

(2) Public funds shall not be expended, paid or granted to any entity that directly refers patients who seek abortion services to any entity that provides abortion services, including its own independent affiliate;

(3) An otherwise qualified entity may receive public funds even if affiliated with an entity that provides abortion services, only if the affiliated entity that provides abortion services is an independent affiliate; provided that if the affiliated entities share the same name or similar names, it shall be presumed that the entity that provides abortion services receives a direct or indirect economic or marketing benefit from such shared name and that the affiliated entity that provides abortion services is not an independent affiliate;

(4) Public funds may be expended, paid or granted to any entity that provides only nondirective counseling relating to pregnancy;

(5) An entity that receives public funds shall not display or distribute marketing materials about abortion services to patients;

(6) An entity that receives funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from such public funds;

(7) An independent audit shall be conducted at least once every three years, or sooner if directed by the governmental entity expending, paying or granting the public funds, to ensure compliance with this section. If the entity is an affiliate of an entity that provides abortion services, an independent audit to ensure compliance with this section shall be conducted at least annually. The audit shall be conducted by either an independent auditing firm retained by the governmental entity expending, paying or granting the public funds or by an independent auditing firm approved by the governmental entity expending, paying or granting the public funds and retained by the entity receiving public funds.

3. Public funds shall not be expended, paid or granted to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, development of drugs or chemicals intended to be used to induce an abortion, human cloning or prohibited human research. A research project that receives an award of public funds shall not share costs with another research project, person or entity not qualified to receive public funds; provided, however, the research project that receives an award of public funds may pay

facilities and administrative costs directly allocable to such research project. A research project that receives an award of public funds shall maintain financial records that demonstrate strict compliance with this section. Any audit conducted pursuant to the provisions of any grant or contract awarding public funds shall also certify compliance with this section.

4. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the state of Missouri or any official, department, division or agency of the state in any circuit court with jurisdiction to enforce the provisions of this section.

5. This section shall not be construed to permit or make lawful any conduct that is otherwise unlawful pursuant to the laws of this state.

6. Any provision of this section is not severable from the all other provisions of this section and from any appropriations expressly made subject to this section or any appropriation declared by any court to be subject to this section. If any provision of this section is found to be invalid, unenforceable or unconstitutional, then all of the provisions of this section and any appropriation expressly made subject to this section or any appropriation declared by any court to be subject to this section shall be invalid and unenforceable."; and

Further amend the title and enacting clause of said bill accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 1191, Page 2, Section 8.505, Lines 5-11, by striking all of said lines and inserting in lieu thereof the following: "**provide funds for budget purposes to fund one time expenditures and to fund capital projects of any kind**";.

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 3** was withdrawn.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 1191, Page 6, Section 8.530, Lines 3 and 4 of page 6, by deleting all of said lines; and

Further renumber the remaining subsections accordingly.

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Jacob, **SB 1191**, with **SS** and **SA 4** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1869--Pensions and General Laws.

HB 1306--Financial and Governmental Organization, Veterans' Affairs and Elections.

HS for **HCS** for **HBs 1654** and **1156**--Aging, Families and Mental Health.

HS for **HCS** for **HB 1756**--Judiciary.

HB 1058--Judiciary.

HS for **HCS** for **HBs 1502** and **1821**-- Insurance and Housing.

HCS for **HBs 1509** and **1510**--Pensions and General Laws.

HCS for **HB 1888**--Civil and Criminal Jurisprudence.

HS for **HCS** for **HB 1527**--Education.

HCS for **HB 1809**--Education.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 19, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stuart P. Hunt, Democrat, 412 Northwest 43rd Terrace, Kansas City, Clay County, Missouri 64116, as a member of the Board of Election Commissioners for Clay County, for a term ending June 15,2005, and until his successor is duly appointed and qualified; vice, Anita F. Duncan, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 19, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marilyn J. Schweitzer, Republican, 417 Northwest Briarcliff Parkway, Kansas City, Clay County, Missouri 64116, as a member of the Board of Election Commissioners for Clay County, for a term ending June 15, 2005, and until her successor is duly appointed and qualified; vice, Jolene N. Shaw, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Clyde C. Farris, Democrat, 1231 South Geyer Road, Kirkwood, St. Louis County, Missouri 63122, as a member of the Missouri Ethics Commission, for a term ending March 15, 2006, and until his successor is duly appointed and qualified; vice, Elaine Spielbusch, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert N. Hartnett, 508 Southeast Adobe Drive, Lee's Summit, Jackson County, Missouri 64063, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending April 18, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 327.031.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jane Overton, 441 West 67th Street, Kansas City, Jackson County, Missouri 64113, as a public member of the State Committee for Social Workers, for a term ending October 2, 2005, and until her successor is duly appointed and qualified; vice, Jinny Gender, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Kenney submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1711**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 1266**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 696**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 1100**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1035**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney sub-mitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 832**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SJR 24**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1549, regarding Stephanie McKee, which was adopted.

Senator Childers offered Senate Resolution No. 1550, regarding Will Enochs, which was adopted.

COMMUNICATIONS

Senator Quick submitted the following:

April 18, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Ken Jacob to the Administration Committee to fill the vacancy created by the absence of Senator Ronnie DePasco.

Sincerely,

/s/ Ed Quick

Edward E. Quick

Minority Floor Leader

Also,

April 19, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Sidney Johnson to the Senate Rules, Joint Rules, Resolutions and Ethics Committee to fill the vacancy created by the absence of Senator Ronnie DePasco.

Sincerely,

/s/ Ed Quick

Edward E. Quick

Minority Floor Leader

Also,

April 19, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Harry Wiggins to the Senate Gubernatorial Appointments Committee to fill the vacancy created by the absence of Senator Ronnie DePasco.

Sincerely,

/s/ Ed Quick

Edward E. Quick

Minority Floor Leader

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Emily Abdoler and her father, Richard, Clinton; and Dewey Riehn, Columbia.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-EIGHTH DAY-TUESDAY, APRIL 23, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

1. SS for SCS for SB 1059-Bentley

(In Budget Control)

2. SCS for SBs 662 & 704-Westfall

(In Budget Control)

3. SS#2 for SCS for SBs 984 &

985-Steelman

(In Budget Control)

4. SS for SCS for SBs 923,

828, 876, 694 & 736-Sims

(In Budget Control)

5. SCS for SB 676-Yeckel, et al

(In Budget Control)

6. SB 1104-Mathewson

(In Budget Control)

7. SRB 1236-Rohrbach

8. SCS for SB 1026-

Kenney, et al

9. SS#2 for SCS for SBs 688,

663, 691, 716, 759,

824 & 955-Gibbons

10. SCS for SBs 915, 710 &

907-Westfall, et al

(In Budget Control)

11. SCS for SBs 1112 &
854-Caskey and Russell

(In Budget Control)

12. SCS for SB 954-Loudon

13. SB 1014-Klindt and
Kinder

14. SCS for SB 739- Wiggins

15. SCS for SB 1060-
Westfall, with SCS

16. SS for SCS for
SB 1107-Childers

SENATE BILLS FOR PERFECTION

SB 1266-Kenney, with SCS

SB 696-Cauthorn, et al

SB 1100-Childers, et al

SB 1035-Yeckel

SB 832-Schneider, with SCS

SJR 24-Johnson

HOUSE BILLS ON THIRD READING

1. HCS for HB 1101, with
SCS (Russell)

2. HCS for HB 1102, with
SCS (Russell)
3. HCS for HB 1103, with
SCS (Russell)
4. HCS for HB 1104, with
SCS (Russell)
5. HCS for HB 1105, with
SCS (Russell)
6. HCS for HB 1106, with
SCS (Russell)
7. HCS for HB 1107, with
SCS (Russell)
8. HCS for HB 1108, with
SCS (Russell)

9. HCS for HB 1109, with
SCS (Russell)
10. HCS for HB 1110, with
SCS (Russell)
11. HCS for HB 1111, with
SCS (Russell)
12. HCS for HB 1112, with
SCS (Russell)
13. HCS for HB 1711

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,
with SCS (pending)

SB 647-Goode, with SCS
(pending)

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SB 668-Bentley, with SS &
SA 1 (pending)

SB 689-Gibbons, et al, with SCS

SB 713-Singleton

SB 735-Steelman and
Kinder, with SCS

SBs 766, 1120 & 1121-
Steelman, with SCS

SB 878-Sims, with SCS

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with
SCS, SS for SCS & SA 4
(pending)

SB 926-Kenney, et al, with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1040-Gibbons, et al, with SCS

SB 1046-Gross and House,
with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS

SB 1087-Gibbons, et al,

with SCS

SBs 1095 & 1195-Cauthorn,

with SCS

SB 1099-Childers, with SCS

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1140-Rohrbach

SB 1152-Klarich, with SCS

SB 1157-Klindt, with SCS

SB 1191-Jacob, with SS &

SA 4 (pending)

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SB 1232-Singleton

SB 1248-Mathewson and

Kenney, with SCAs 1 & 2

SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 2120-Ridgeway and

Hosmer, with SCS

(Gibbons)

HB 1955-Hilgemann, et al,

with SCS (Coleman)

HB 1659-Kelly (27)

(Dougherty)

HB 1537-Clayton, with SCS

(Klarich)

HB 1814-Monaco, et al,

with SCA 1 (Klarich)

HB 1715-Moore, et al

(Klarich)

HB 1768-Hosmer, et al,

with SCA 1 (Klarich)

HB 1895-Carnahan, et al

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,

with SCS (Mathewson)

HB 1148-Ross

HB 1580-Barnett (Klindt)

HB 1811-Gambaro, with SCS

(Dougherty)

HB 1839-Seigfreid (Mathewson)

HB 1846-Scott, with SCS

(Rohrbach)

HB 1849-Barnitz and

Overschmidt, with SCS

(Steelman)

HB 1861-Burcham (Staples)

HB 1982-Richardson (Foster)

HB 2002-Farnen and Naeger (Caskey)

HB 2018-Bartle, et al (Kenney)

HB 2039-Kreider (Stoll)

HB 2064-Walton, et al

HB 2130-Boykins, et al

(Coleman)

HB 2047-Ransdall, et al,

with SCS (Mathewson)

HB 2022-Richardson, with

SCS (Stoll)

HB 1973-Bowman (Schneider)

HB 1515-Burton (Bentley)

HB 1477-Farnen, with SCS

(Klindt)

HB 1964-Gambaro, with SCS

(Yeckel)

HB 1635-Hoppe, with SCS

(Wiggins)

HB 2009-O'Connor, with

SCS (Kenney)

HB 1838-Hosmer (Caskey)

HB 1085-Mays (50)

HB 1548-Barry, with SCS

(Sims)

HB 1812-Riback Wilson

(Sims)

HB 1781-Green (73) and

Ladd Baker (Russell)

HB 1783-Lowe, et al, with
SCS (Rohrbach)

HB 1636-Hoppe, with SCS
(Wiggins)

HB 1840-Seigfreid (Mathewson)

HB 1032-Portwood (Steelman)

HB 1313-Burton, with SCS
(Foster)

HB 1937-Barry, with SCA 1
(Singleton)

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al
(Foster)

HB 1921-Green (73), with
SCS (Klarich)

HB 2117-Boucher (Caskey)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus
(Yeckel)

HB 1342-Farnen (Yeckel)
(In Budget Control)

HB 1668-Holt, et al (House)

HB 1822-Walton

HB 1492-Seigfreid, with
SCS (Mathewson)

HB 1495-Seigfreid, with
SCS (Mathewson)

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al,

with SCS (Foster)

HB 1674-O'Toole and Dempsey

HB 1890-Hilgemann, et al,

with SCS (Gross)

HB 1518-Luetkenhaus

(Rohrbach)

HB 1568-Luetkenhaus, with

SCS (Rohrbach)

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS (Rohrbach)

HB 1468-Ward, with SCS (Loudon)

HB 1473-Green (15), et al,

with SCS (House)

HB 1918-Koller, with SCS

(Staples)

HBs 1093, 1094, 1159, 1204, 1242,

1272, 1391, 1397, 1411, 1624,

1632, 1714, 1755, 1778, 1779, 1852,

1862, 2025 & 2123-Relford

and Seigfreid, with SCS

(Mathewson)

HBs 1141, 1400, 1645,

1745 & 2026-Naeger,

with SCS (Yeckel)

HBs 1205, 1214, 1314, 1320,
1504, 1788, 1867 & 1969-
Seigfreid and Relford, with
SCS (Mathewson)

HB 1075-Nordwald

HB 2062-Hosmer, et al
(Westfall)

HB 1789-Ross, et al, with
SCS

HB 1643-Holand and Barry

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11

SCR 60-Kennedy, with SCS

SCR 64-Caskey

SCR 57-Steelman, with SCS

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-EIGHTH DAY--TUESDAY, APRIL 23, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Nothing is more highly to be prized than the value of each day." (Goethe)

Creator Lord, we thank You for this day and the opportunities and challenges that we will each face. Bless us with the wisdom and courage to meet whatever comes our way and do so with grace and love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

The Senate stood for a moment of silent prayer for Senator Ronnie DePasco.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 67

WHEREAS, Echostar Communications Corporation proposes to acquire Hughes Electronics; and

WHEREAS, through their services known as Dish Network and DirecTV, the two companies together control virtually one hundred percent of the market for direct broadcast satellite services (DBS); and

WHEREAS, a significant portion of Missourians have no option for multi-channel programming services other than through satellite services; and

WHEREAS, Echostar's acquisition of DirecTV would result in the consolidation of the DBS industry to one DBS provider; and

WHEREAS, there is no reliable mechanism to enforce the commitments by Echostar and DirecTV to provide a national pricing plan, rural broadband and local television stations into the local television markets; and

WHEREAS, competition is the best way to ensure innovation, quality service and a fair price to consumers; and

WHEREAS, the companies have made application to the Federal Communications Commission asking that they be allowed to transfer licenses to complete the merger; and

WHEREAS, the companies have notified the Department of Justice, as required by federal law, of their intent to merge:

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the state of Missouri believes that continued competition in the marketplace by retaining independent DBS companies is the best way to provide continued pricing incentives, technological innovations and more choices for consumers, and

BE IT FURTHER RESOLVED that the state of Missouri does not believe it to be in the best interest of consumers for this merger to be approved; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Federal Communications Commission and the Department of Justice.

RESOLUTIONS

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1551

WHEREAS, the members of the Missouri Senate proudly pause to recognize those special young people who have exemplified the finest qualities of citizenship and leadership by taking an active part in state government; and

WHEREAS, Dominick Wright, a student at Truman State University in Kirksville, has distinguished himself as an Intern for the Honorable Wayne Goode, State Senator from the 13th District; and

WHEREAS, Dominick Wright joined the staff of Senator Goode for the Second Regular Session of the Ninety-first General Assembly as part of the Missouri State Intern Program at the state capitol in Jefferson City, a program designed to involve college students in the legislative process through active participation; and

WHEREAS, Dominick Wright has experienced the opportunity to observe firsthand the inner workings of state government and has gained valuable insight into the process by which laws are made; and

WHEREAS, Dominick Wright has successfully demonstrated his abilities in the performance of such duties as conducting research, serving as legislative aide and session attendant, helping with constituent services, and assuming various other responsibilities to make the office of Senator Goode run as smoothly as possible; and

WHEREAS, Dominick Wright has earned recognition as a valuable asset to Senator Goode and the entire Missouri Legislature through the application of knowledge and skills acquired prior to his tenure as an Intern and a variety of visible new skills which will be of tremendous value in the job market:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, hereby proudly join the Honorable Wayne Goode in commending Dominick Wright for his many important contributions to our State Legislature during the current session, and further extend to him our very best wishes for continued success and happiness in all future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Dominick Wright, as a measure of our gratitude.

Senator Loudon offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 1552

WHEREAS, the St. Louis Leather and Lace organization is sponsoring a convention known as "Beat Me in St. Louis"; and

WHEREAS, this is an annual event sponsored by the St. Louis Leather and Lace organization, dedicated to the free expression of alternative lifestyles; and

WHEREAS, the convention is held at the Howard Johnson Hotel in St. Louis, April 26-28; and

WHEREAS, the Howard Johnson Hotels hold themselves out to be a "family-oriented" hotel chain and encourage families to use their facilities for family vacations; and

WHEREAS, this event is held in a place in which other hotel guests may be exposed to the activities of the convention; and

WHEREAS, event materials promise "dungeon parties" with "flogging and cutting", suggesting a "tarp or drop cloth" be used for "messy blood scenes and other bodily fluids"; and

WHEREAS, sadomasochist behavior of this kind spreads disease; and

WHEREAS, engaging in deviant sexual behavior and experimentation is widely recognized by experts to lead to more extreme behavior, particularly the victimization of women and children who are not "consenting"; and

WHEREAS, by allowing the "Beat Me in St. Louis" gathering to be held at their hotel, the Howard Johnson hoteliers are contributing to the overall risk to the health and welfare of their other patrons and the public:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, hereby condemn the Howard Johnson Hotel chain and urge no other hotel chain in this state to host events that encourage activities which are dangerous to the public health and welfare; and

BE IT FURTHER RESOLVED that the State Department of Health and the State Attorney General shall be called upon to investigate the safety and legality of this event including but not limited to, violations of Missouri health and welfare statute, Section 191.680, RSMo; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Howard Johnson Hotels.

Senator Caskey offered Senate Resolution No. 1553, regarding Jeremiah Cover, which was adopted.

Senator Schneider offered Senate Resolution No. 1554, regarding Jami Brink, which was adopted.

CONCURRENT RESOLUTIONS

Senators Mathewson and Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 68

WHEREAS, the cost for health care coverage continues to escalate at an ever-alarming rate; and

WHEREAS, other critical functions of state government limit the resources available to the State of Missouri to appropriately offset these costs to its employees and retirees; and

WHEREAS, it is in the best interest of the State of Missouri, as an employer, to purchase health care coverage in as efficient and cost-effective manner as possible; and

WHEREAS, Article XIII, Section 1 of the Missouri Constitution authorizes the General Assembly to provide or contract for health insurance benefits, including but not limited to hospital, chiropractic, surgical, medical, optical, and dental benefits, for officers and employees of the state and their dependents, including those employees of entities controlled by boards or commissions created by this constitution; and

WHEREAS, in order to best accomplish this objective, the State of Missouri must consider and review all possible alternatives for continuing to provide quality health care coverage at affordable prices:

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the State of Missouri wishes to analyze the potential benefits and savings of combining the health care programs of the Missouri Consolidated Health Care Plan (MCHCP), the Department of Transportation (DOT), the Department of Conservation (DOC) and the University of Missouri (UMC) and jointly purchasing and/or otherwise providing health care coverage for their members; and

BE IT FURTHER RESOLVED that in order to effectively complete the analysis, all parties shall provide MCHCP with all the necessary and appropriate data required to determine the current administrative and claims costs as well as any reserve requirement; and

BE IT FURTHER RESOLVED that this data shall cover calendar year 2001 and shall at a minimum, consist of the following:

I. Operational Cost

- a. Personnel
- b. Expense and equipment
- c. Total

II. Claims Cost

- a. Actives/dependents (dollar amount)
- b. Retirees/dependents (dollar amount)
- c. Total (dollar amount)
- d. Reserve history (available reserve and actuarial need)

III. Demographic Data (member level file by zip code)

- a. Age
- b. Sex
- c. Status (active, retiree, etc.)
- d. Level of coverage

IV. Network

- a. Provider file
- b. Provider discounts (to remain confidential)

V. Premium Contribution Structure

- a. Actives
- b. Retirees; and

BE IT FURTHER RESOLVED that this information shall be made available for possible inclusion in the current or future request for proposals (RFPs) from the MCHCP, with every attempt being made to have it available for the current RFP scheduled for release on May 7, 2002; and

BE IT FURTHER RESOLVED that the four health care programs shall jointly strive to determine potential outcomes of this endeavor and the final impact that this group purchasing effort could have for the State of Missouri.

SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 1191**, with **SS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Rohrbach, **SA 4** was withdrawn.

SS for **SB 1191**, as amended, was again taken up.

At the request of Senator Jacob, **SS** for **SB 1191**, as amended, was withdrawn.

Senator Jacob offered **SS No. 2** for **SB 1191**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 1191

An Act to amend chapter 8, RSMo, by adding thereto twenty-three new sections relating to the Missouri tobacco settlement authority act, with an emergency clause.

Senator Jacob moved that **SS No. 2** for **SB 1191** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 1191, Page 2, Section 8.500, Lines 4-7, by deleting said lines, and replace in lieu thereof, the following:

"(6) "Program plan", the tobacco settlement program to provide funds for budget purposes to fund one time expenditures excluding life science research, short-term revenue shortfalls for existing programs, and to fund capital projects."

Senator Klarich moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Klarich offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 1191, Page 19, Section 8.590, Line 8 of said page, by inserting after all of said line the following:

"8.592. 1. As used in this section, the following words and phrases shall mean:

(1) "Abortion services" shall include performing, inducing, or assisting with abortions, or encouraging or counseling patients to have abortions, or referring patients for abortions, but shall not include nondirective counseling;

(2) "Child", if in vivo, an unborn child as defined in section 188.015, RSMo, and if in vitro, a human being at any of the stages of biological development of an unborn child from conception or inception onward;

(3) "Conception", as defined in section 188.015, RSMo;

(4) "Facilities and administrative costs", those costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular research project or any other institutional activity;

(5) "Human cloning", genetic duplication or replication of a human being, whether living or deceased, regardless of the stage of development of such human being, from whom genetic material was donated or taken in order to complete such duplication or replication;

(6) "Independent affiliate", an entity that provides abortion services that is affiliated with an entity that receives public funds appropriated to any department, division or agency of state government or to any other official or entity, which is separately incorporated from the entity that receives such public funds, and which does not share any of the following, regardless of whether or not reimbursement is made for any expenditures associated with sharing the following:

(a) The same name or similar names;

(b) Medical or non-medical facilities, including but not limited to business offices, treatment, consultation, examination, and waiting rooms;

(c) Expenses;

(d) Employee wages or salaries; or

(e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment and office supplies;

(7) "Nondirective counseling" includes providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide;

(8) "Prohibited human research", research in a proposed research project in which there is the taking or utilization of the organs, tissue or cellular material of a:

(a) Deceased child, unless consent is given in the manner provided in sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent cause the death of such child or consented to another person causing the death of such child;

(b) Living child, when the intended or likely result of such taking or utilization is to kill or cause harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;

(9) "Public funds", any moneys derived from the proceeds from bonds issued pursuant to sections 8.570 to 8.590, moneys in any state funds into which such proceeds are deposited and commingled, and any other moneys received or controlled by the state of Missouri or any official, department, division, agency or political subdivision thereof, including, but not limited to, moneys derived from federal, state or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers; and including moneys received or controlled by any official, department, division or agency of state government, or to any other person or entity, pursuant to appropriation by the general assembly;

(10) "Research project", research specified in an award of public funds conducted under the auspices of the institution or institutions that applied for and received such award, regardless of whether the research is funded in whole or part by such grant award. Such research shall include basic research, including the discovery of new knowledge; translation research, including translating knowledge into a usable form; and development

research and clinical research, including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease. Such research shall include, but not be limited to, any life sciences research funded pursuant to the program plan;

2. Public funds shall not be expended, paid or granted to directly or indirectly to subsidize abortion services or administrative expenses. In order to ensure that support is not lent in any manner to abortion services, and to ensure that an entity that provides abortion services does not receive a direct or indirect economic or marketing benefit from public funds:

(1) Public funds shall not be expended, paid or granted to an entity or an affiliate of an entity that provides abortion services.

(2) Public funds shall not be expended, paid or granted to any entity that directly refers patients who seek abortion services to any entity that provides abortion services, including its own independent affiliate;

(3) An otherwise qualified entity may receive public funds even if affiliated with an entity that provides abortion services, only if the affiliated entity that provides abortion services is an independent affiliate; provided that if the affiliated entities share the same name or similar names, it shall be presumed that the entity that provides abortion services receives a direct or indirect economic or marketing benefit from such shared name and that the affiliated entity that provides abortion services is not an independent affiliate;

(4) Public funds may be expended, paid or granted to any entity that provides only nondirective counseling relating to pregnancy;

(5) An entity that receives public funds shall not display or distribute marketing materials about abortion services to patients;

(6) An entity that receives funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from such public funds;

(7) An independent audit shall be conducted at least once every three years, or sooner if directed by the governmental entity expending, paying or granting the public funds, to ensure compliance with this section. If the entity is an affiliate of an entity that provides abortion services, an independent audit to ensure compliance with this section shall be conducted at least annually. The audit shall be conducted by either an independent auditing firm retained by the governmental entity expending, paying or granting the public funds or by an independent auditing firm approved by the governmental entity expending, paying or granting the public funds and retained by the entity receiving public funds.

3. Public funds shall not be expended, paid or granted to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, development of drugs or chemicals intended to be used to induce an abortion, human cloning or prohibited human research. A research project that receives an award of public funds shall not share costs with another research project, person or entity not qualified to receive public funds; provided, however, the research project that receives an award of public funds may pay facilities and administrative costs directly allocable to such research project. A research project that receives an award of public funds shall maintain financial records that demonstrate strict compliance with this section. Any audit conducted pursuant to the provisions of any grant or contract awarding public funds shall also certify compliance with this section.

4. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the state of Missouri or any official, department, division or agency of the state in any circuit court with jurisdiction to enforce the provisions of this section.

5. This section shall not be construed to permit or make lawful any conduct that is otherwise unlawful pursuant to the laws of this state.

6. Any provision of this section is not severable from the all other provisions of this section and from any appropriations expressly made subject to this section or any appropriation declared by any court to be subject to this section. If any provision of this section is found to be invalid, unenforceable or unconstitutional, then all of the provisions of this section and any appropriation expressly made subject to this section or any appropriation declared by any court to be subject to this section shall be invalid and unenforceable."; and

Further amend the title and enacting clause of said bill accordingly.

Senator Klarich moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order in that the amendment goes beyond the scope and purpose of the bill and is therefore not germane.

The point of order was referred to the President Pro Tem, who took it under advisement which placed **SB 1191**, with **SS No. 2**, **SA 1** and **SSA 1** for **SA 1** (pending) on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS No. 2** for **SCS** for **SBs 984** and **985**; **SCS** for **SBs 662** and **704**; and **SS** for **SCS** for **SB 1059**, begs leave to report that it has considered the same and recommends that the bills do pass.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 1711** to the Committee on State Budget Control.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 1115**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Kenney, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rohrbach.

RESOLUTIONS

Senators House and Gross offered Senate Resolution No. 1555, regarding Phyllis Schneider, St. Charles County, which was adopted.

Senator Jacob offered Senate Resolution No. 1556, regarding Randy Cole, which was adopted.

Senator Jacob offered Senate Resolution No. 1557, regarding Larry Henneke, Columbia, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 1059** was placed on the Informal Calendar.

SCS for **SBs 662** and **704**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 662 and 704

An Act to repeal sections 150.465, 191.905, 252.235, 367.031, 367.044, 367.055, 569.095, 569.097, 569.099, 570.010, 570.020, 570.030, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo, relating to stolen property and services, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Westfall.

On motion of Senator Westfall, **SCS for SBs 662** and **704** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Cauthorn	Childers	Coleman
Foster	Gibbons	Goode	Gross
House	Johnson	Kinder	Klindt
Loudon	Mathewson	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Westfall	Wiggins--22		
	NAYS--Senators		
Kenney	Klarich	Stoll--3	
	Absent--Senators		
Bentley	Bland	Dougherty	Jacob
Kennedy	Quick	Schneider	Yeckel--8
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS for SBs 984** and **985**, introduced by Senator Steelman, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 984 and 985

An Act to repeal sections 250.140, 640.100, 643.220, 644.016, 644.036, 644.051, 644.052 and 644.076, RSMo, relating to the department of natural resources, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up.

Senator Klarich assumed the Chair.

On motion of Senator Steelman, **SS No. 2** for **SCS for SBs 984** and **985** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Singleton	Steelman	Westfall	Wiggins
Yeckel--25			

NAYS--Senators

Dougherty	Goode	Jacob	Schneider
Stoll--5			

Absent--Senators

Bland	Quick	Staples--3
	Absent with leave--Senator DePasco--1	

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SRB 1236, introduced by Senator Rohrbach, entitled:

An Act to repeal sections 141.265, 142.027, 313.335, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law.

Was taken up.

On motion of Senator Rohrbach, **SRB 1236** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Jacob--1

Absent--Senators

Bland	Quick	Singleton--3
	Absent with leave--Senator DePasco--1	

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for **SB 1026**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1026

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage.

Was taken up by Senator Kenney.

On motion of Senator Kenney, **SCS** for **SB 1026** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick	Singleton--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955**, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 688, 663, 691, 716, 759, 824 and 955

An Act to repeal sections 137.073, 137.115, 138.060 and 138.100, RSMo, relating to the assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

Was taken up.

Senator Gross assumed the Chair.

On motion of Senator Gibbons, **SS No. 2** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Wiggins	Yeckel--28
NAYS--Senators			
Caskey	Coleman	Klindt	Westfall--4
Absent--Senator Staples--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SCS for **SB 954** was placed on the Informal Calendar.

SB 1014, introduced by Senators Klindt and Kinder, entitled:

An Act to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675, 28.678 and 28.681, RSMo, relating to the uniform electronic transactions act, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was taken up by Senator Klindt.

On motion of Senator Klindt, **SB 1014** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Coleman	Klarich	Mathewson	Singleton
Staples--5			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for SB 739, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 739

An Act to repeal sections 436.200, 436.205, 436.209 and 436.212, RSMo, and to enact in lieu thereof eighteen new sections relating to athlete agents.

Was taken up by Senator Wiggins.

On motion of Senator Wiggins, **SCS for SB 739** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Coleman	Staples--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for SB 1060, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1060

An Act to repeal sections 52.250, 52.290 and 59.042, RSMo, relating to county collectors and treasurers ex officio collectors, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up by Senator Westfall.

On motion of Senator Westfall, **SCS for SB 1060** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Coleman Staples--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 1107, introduced by Senator Childers, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1107

An Act to repeal sections 190.044, 190.050, 190.092, 190.094, 190.100, 190.101, 190.102, 190.105, 190.108, 190.109, 190.120, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196 and 321.130, RSMo, relating to provisions of emergency services, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Childers, **SS for SCS for SB 1107** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Klarich
Klindt	Mathewson	Quick	Russell
Sims	Singleton	Steelman	Stoll
Wiggins	Yeckel--26		

NAYS--Senators

Goode	Kinder	Loudon	Rohrbach--4
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Absent--Senators

Schneider	Staples	Westfall--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 1248**, with **SCAs 1** and **2**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion failed.

SCA 2 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion failed.

Senator Mathewson offered **SS** for **SB 1248**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1248

An Act to repeal sections 143.225, 143.261, 143.811 and 144.190, RSMo, and to enact in lieu thereof four new sections relating to assessment, collection and refund procedures of taxes, with an emergency clause.

Senator Mathewson moved that **SS** for **SB 1248** be adopted.

Senator Klindt offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1248, Pages 3-6, Section 143.225, by striking said section from the bill; and

Further amend said bill, Page 10, Section 143.261, Lines 7-19 of said page, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Quick, Singleton, Russell and Staples.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Foster	Gross	Kinder
Klarich	Klindt	Loudon	Rohrbach
Singleton	Steelman	Yeckel--11	
NAYS--Senators			
Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Goode	Jacob

Johnson	Kennedy	Kenney	Mathewson
Quick	Russell	Schneider	Sims
Staples	Stoll	Westfall	Wiggins--20
	Absent--Senators		
Gibbons	House--2		
	Absent with leave--Senator DePasco--1		

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1248, Page 10, Section 144.190, Line 6, by inserting after all of said line the following:

"313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of two dollars **and fifty cents** for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. **The remainder of such fee shall be utilized in FY04 for a two percent state employee pay raise. For all fiscal years thereafter, the remainder of such fee shall only be utilized for state employee compensation.** Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 1248**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patti L. Banks, 441 North Leonard, Liberty, Clay County, Missouri 64068, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending April 18, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 327.031.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John S. Gaal, 211 Spring Oaks Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Training and Employment Council, for a term ending January 11, 2004, and until his successor is duly appointed and qualified; vice, Palmer Nichols, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert H. Marty, 1411 Bennington, Mexico, Audrain County, Missouri 65265, as a member of the Children's Trust Fund Board, for a term ending September 15, 2003, and until his successor is duly appointed and qualified; vice, Thomas Whelan, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Shirley M. Sweet, 816 South Hanley Road 11D, Clayton, St. Louis County, Missouri 63105, as a member of the State Board of Barber Examiners, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Ann D. Laird, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William L. Treece, Route 1 Box 126, Sweet Springs, Saline County, Missouri 65351, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathleen Warman, 4602 Northwest Baltimore, Kansas City, Clay County, Missouri 64116, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending September 1, 2004, and until her successor is duly appointed and qualified; vice, Victoria L. Noteis, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Kinder referred **SCR 68** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1558, regarding Jennifer Leon, which was adopted.

Senator Kenney offered Senate Resolution No. 1559, regarding Michael J. Althoff, Blue Springs, which was adopted.

Senator Bentley offered Senate Resolution No. 1560, regarding Jeff Russell, which was adopted.

Senator Bentley offered Senate Resolution No. 1561, regarding Jon L. Jones, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1562, regarding Jessica Kolker, Rolla, which was adopted.

Senator Bentley offered Senate Resolution No. 1563, regarding Amanda Koelling, Linn Creek, which was adopted.

Senator Bentley offered Senate Resolution No. 1564, regarding Rhiannon Hickman, Buffalo, which was adopted.

Senator Bentley offered Senate Resolution No. 1565, regarding Lindsey Tyler, Osage Beach, which was adopted.

Senator Bentley offered Senate Resolution No. 1566, regarding Christie Matthews, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 1567, regarding Patricia "Trish" Thiesen, Buffalo, which was adopted.

Senator Bentley offered Senate Resolution No. 1568, regarding Jessica Perkins, Marshfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1569, regarding Meleah Manes, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 1570, regarding Rachel Noblitt, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 1571, regarding Mandy Wilson, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 1572, regarding Ashley Rudd, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 1573, regarding Tiffany Phillips-Juliano, Battlefield, which was adopted.

Senator Bentley offered Senate Resolution No. 1574, regarding Amber Spohn, Galena, which was adopted.

Senator Bentley offered Senate Resolution No. 1575, regarding Deanna Tennison, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 1576, regarding Heather Stottle, Taneyville, which was adopted.

Senator Bentley offered Senate Resolution No. 1577, regarding Jessica Derr, Waynesville, which was adopted.

Senator Bentley offered Senate Resolution No. 1578, regarding Joyce Burns, Bolivar, which was adopted.

COMMUNICATIONS

Senator Quick submitted the following:

April 23, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Maida Coleman to the State Budget Control Committee to fill the temporary vacancy created by the absence of Senator Ronnie DePasco.

Sincerely,

/s/ Ed Quick

Edward E. Quick

Minority Floor Leader

Also,

April 23, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Edward Quick to the Senate Transportation Committee to fill the temporary vacancy created by the absence of Senator Ronnie DePasco.

Sincerely,

/s/ Ed Quick

Edward E. Quick

Minority Floor Leader

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, his daughter, Kaitlyn, and Lieutenant Governor Joe Maxwell's daughter, Megan, Mexico.

Senator Kennedy introduced to the Senate, Dennis, Marcy, Edward and Elizabeth Pivin, St. Louis; and Elizabeth was made an honorary page.

On behalf of Senator Bland and himself, Senator Wiggins introduced to the Senate, Mrs. Rosemary Lowe, Kansas City.

Senator Klindt introduced to the Senate, KaLea Kunkel, Oregon.

The President introduced to the Senate, Jo Turchie, Mexico; and CO-ED Pageant Contest winners.

Senator Bentley introduced to the Senate, her son, Christopher, and her granddaughter, Emma, Christina Fox and Katie

Lohmeyer, Springfield; and Emma, Christina and Katie were made honorary pages.

On behalf of Senator Rohrbach and himself, Senator Loudon introduced to the Senate, Ron Kaiser and Bob Moses, Jefferson City.

Senator Schneider introduced to the Senate, Heather Lindgren and Adair Stokan, St. Louis County; and Heather and Adair were made honorary pages.

Senator Bentley introduced to the Senate, participants in "Take Your Daughter to Work" Day.

Senator Cauthorn introduced to the Senate, Bill Martin, Perry.

Senator Stoll introduced to the Senate, Karen Propst, Shirley Verseemann, Tracy Darian and 34 seventh and eighth grade students from Our Lady's School, Festus.

Senator Russell introduced to the Senate, Bill C. Monday and Allen L. Schaper, Buffalo.

Senator Caskey introduced to the Senate, Katie Dyer and eighth grade students and sponsors from Cass Midway School, Cleveland.

Senator Gibbons introduced to the Senate, his daughter, Meredith, St. Louis; and Meredith was made an honorary page.

Senator Sims introduced to the Senate, Jasmine McGee, Jasmine Lowe, Ametra Harris and Rhonda Ford, St. Louis; and Jasmine, Jasmine and Ametra were made honorary pages.

Senator Loudon introduced to the Senate, Taylor Jewel and fourth grade students from Kirk of the Hills Day School, Chesterfield; and Taylor was made an honorary page.

Senator Yeckel introduced to the Senate, 70 sixth grade students and adults from St. Simon School, St. Louis; and Annie Brotherton, Kyle Bruer, Erin Eastman and Will Groeller were made honorary pages.

Senator Wiggins introduced to the Senate, Ken Hoffman, Kansas City.

Senator Stoll introduced to the Senate, Mrs. Cooseman, Mrs. Pryor and 63 fourth grade students from Hillsboro Elementary School, Hillsboro.

Senator Sims introduced to the Senate, 30 fourth grade students and parents from Our Lady of the Pillar School, St. Louis.

Senator Kinder introduced to the Senate, Phyllis Schlafly, Cape Girardeau.

Senator Foster introduced to the Senate, students from Southern Missouri Christian School, Poplar Bluff.

Senator Johnson introduced to the Senate, Ida Keuhn, Mike McEnaney and Jason Douglas, St. Joseph; Marilyn Finney, Agency; Sarah Kurtz, Mound City; Cindy Gayer, Gower; and Twyla Morgan, Faucett.

Senator Rohrbach introduced to the Senate, Charla Lear, Dennis Vogel, Ashley Bledsoe, Dallas Gipson, Heather Russell, Kelly Richard and Allyson Srch, Weaubleau.

Senator Klarich introduced to the Senate, Vincint Schmidt and 34 fourth grade students from Linda Vista School, Chesterfield.

Senator Loudon introduced to the Senate, Dr. Curtis Harris, Norman, Oklahoma; Barb and Ron Quigley, and Rev. Mike Schultz, Manchester.

Senator Cauthorn introduced to the Senate, Angie Fields and Joni Fields, Paris; and 60 AFS students.

Senator Kinder introduced to the Senate, students, teachers and parents from St. Paul's Lutheran School, Jackson.

Senator Caskey introduced to the Senate, David and Lisa Brooks, Hume; and Candy Johnson and Tonni Cannon, Holden.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-NINTH DAY-WEDNESDAY, APRIL 24, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 923,

828, 876, 694 & 736-Sims

(In Budget Control)

SCS for SB 676-Yeckel, et al

(In Budget Control)

SB 1104-Mathewson

(In Budget Control)

SCS for SBs 915, 710

& 907-Westfall, et al

(In Budget Control)

SCS for SBs 1112 & 854-

Caskey and Russell

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 1266-Kenney, with SCS

SB 696-Cauthorn, et al

SB 1100-Childers, et al

SB 1035-Yeckel

SB 832-Schneider, with SCS

SJR 24-Johnson

HOUSE BILLS ON THIRD READING

1. HCS for HB 1101, with
SCS (Russell)

2. HCS for HB 1102, with
SCS (Russell)

3. HCS for HB 1103, with
SCS (Russell)

4. HCS for HB 1104, with
SCS (Russell)

5. HCS for HB 1105, with
SCS (Russell)

6. HCS for HB 1106, with

SCS (Russell)

7. HCS for HB 1107, with

SCS (Russell)

8. HCS for HB 1108, with

SCS (Russell)

9. HCS for HB 1109, with

SCS (Russell)

10. HCS for HB 1110, with

SCS (Russell)

11. HCS for HB 1111, with

SCS (Russell)

12. HCS for HB 1112, with

SCS (Russell)

13. HCS for HB 1711 (Jacob)

(In Budget Control)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SS for SCS for SB 1059-Bentley

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al,

with SCS

SB 713-Singleton

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 878-Sims, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al,

with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al,
with SCS

SB 1010-Sims

SB 1040-Gibbons, et al,
with SCS

SB 1046-Gross and House,
with SCS (pending)

SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach
and Kenney, with SCS

SB 1087-Gibbons, et al,
with SCS

SBs 1095 & 1195-Cauthorn,
with SCS

SB 1099-Childers, with SCS

SB 1103-Westfall, et al,
with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1140-Rohrbach

SB 1152-Klarich, with SCS

SB 1157-Klindt, with SCS

SB 1191-Jacob, with SS#2,
SA 1, SSA 1 for SA 1 &

point of order (pending)

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SB 1232-Singleton

SB 1248-Mathewson and

Kenney, with SS & SA 2

(pending)

SBs 1279, 1162 & 1164-

Kinder and Wiggins, with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 2120-Ridgeway and

Hosmer, with SCS (Gibbons)

HB 1955-Hilgemann, et al,

with SCS (Coleman)

HB 1659-Kelly (27)

(Dougherty)

HB 1537-Clayton, with SCS

(Klarich)

HB 1814-Monaco, et al,

with SCA 1 (Klarich)

HB 1715-Moore, et al

(Klarich)

HB 1768-Hosmer, et al,

with SCA 1 (Klarich)

HB 1895-Carnahan, et al (Jacob)

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,

with SCS (Mathewson)

HB 1148-Ross (Kenney)

HB 1580-Barnett (Klindt)

HB 1811-Gambaro, with SCS

(Dougherty)

HB 1839-Seigfreid (Mathewson)

HB 1846-Scott, with SCS

(Rohrbach)

HB 1849-Barnitz and

Overschmidt, with SCS

(Steelman)

HB 1861-Burcham (Staples)

HB 1982-Richardson (Foster)

HB 2002-Farnen and Naeger

(Caskey)

HB 2018-Bartle, et al (Kenney)

HB 2039-Kreider (Stoll)

HB 2064-Walton, et al (Goode)

HB 2130-Boykins, et al (Coleman)

HB 2047-Ransdall, et al,

with SCS (Mathewson)

HB 2022-Richardson, with

SCS (Stoll)

HB 1973-Bowman (Schneider)

HB 1515-Burton (Bentley)

HB 1477-Farnen, with SCS

(Klindt)

HB 1964-Gambaro, with SCS

(Yeckel)

HB 1635-Hoppe, with SCS

(Wiggins)

HB 2009-O'Connor, with

SCS (Kenney)

HB 1838-Hosmer (Caskey)

HB 1085-Mays (50) (Quick)

HB 1548-Barry, with SCS (Sims)

HB 1812-Riback Wilson (Sims)

HB 1781-Green (73) and

Ladd Baker (Russell)

HB 1783-Lowe, et al, with

SCS (Rohrbach)

HB 1636-Hoppe, with SCS (Wiggins)

HB 1840-Seigfreid (Mathewson)

HB 1032-Portwood (Steelman)

HB 1313-Burton, with SCS

(Foster)

HB 1937-Barry, with SCA 1

(Singleton)

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al

(Foster)

HB 1921-Green (73), with

SCS (Klarich)

HB 2117-Boucher (Caskey)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus

(Yeckel)

HB 1342-Farnen (Yeckel)

(In Budget Control)

HB 1668-Holt, et al (House)

HB 1822-Walton (Yeckel)

HB 1492-Seigfreid, with

SCS (Mathewson)

HB 1495-Seigfreid, with

SCS (Mathewson)

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al,

with SCS (Foster)

HB 1674-O'Toole and

Dempsey (Stoll)

HB 1890-Hilgemann, et al,
with SCS (Gross)

HB 1518-Luetkenhaus
(Rohrbach)

HB 1568-Luetkenhaus, with
SCS (Rohrbach)

HB 1381-Luetkenhaus, with
SCS (Rohrbach)

HB 1701-Luetkenhaus and
Ward, with SCS (Rohrbach)

HB 1468-Ward, with SCS
(Loudon)

HB 1473-Green (15), et al,
with SCS (House)

HB 1918-Koller, with SCS
(Staples)

HBs 1093, 1094, 1159, 1204, 1242,
1272, 1391, 1397, 1411, 1624,
1632, 1714, 1755, 1778, 1779,
1852, 1862, 2025 & 2123-Relford
and Seigfreid, with SCS (Mathewson)

HBs 1141, 1400, 1645,
1745 & 2026-Naeger,
with SCS (Yeckel)

HBs 1205, 1214, 1314, 1320,
1504, 1788, 1867 & 1969-

Seigfreid and Relford,

with SCS (Mathewson)

HB 1075-Nordwald (House)

HB 2062-Hosmer, et al (Westfall)

HB 1789-Ross, et al, with

SCS (Klarich)

HB 1643-Holand and Barry

(Singleton)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

To be Referred

SCR 67-Caskey

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11 (House)

SCR 60-Kennedy, with SCS

SCR 64-Caskey

SCR 57-Steelman, with SCS

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-NINTH DAY--WEDNESDAY, APRIL 24, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"You are a hiding place for me, you preserve me from trouble; you surround me with glad cries of deliverance." (Psalm 32:7)

Gracious God, amid all the people and pressures wanting something from us we look to You for peace and guidance. You look upon our circumstances and let us know that You are near. Provide us wisdom so we may be of help to others. And we give You thanks for watching over Your servant Senator DePasco, bringing him through a successful surgery; continue, O Lord, Your healing and blessings to him. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV, KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 1579, regarding Dan and Sallie Shipley, St. Charles, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1580, regarding Joan E. Baysinger, Boonville, which was adopted.

Senator Singleton offered Senate Resolution No. 1581, regarding Joshua Mark "Josh" Preston, Neosho, which was

adopted.

Senator Singleton offered Senate Resolution No. 1582, regarding Christopher Russell Dolence, Neosho, which was adopted.

Senator Klindt offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 1583

WHEREAS, the budget of the State of Missouri is required by the Missouri Constitution to be balanced; and

WHEREAS, the Senate Appropriations Committee has scrutinized the budget as recommended by the governor and amended and passed by the House; and

WHEREAS, the Senate Appropriations Committee has reported the operating budget (House Bills Nos. 1101 through 1112) to the Senate which represent the best effort to balance revenues and expenditures for fiscal year 2003:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, in the passage of appropriations bills for fiscal year 2003, will observe the following procedure, which shall for purposes of parliamentary rulings be regarded as a definitive statement of the practice of the Senate:

"1. No amendment to any appropriations bill shall be in order that increases the total amount of general revenue appropriated in the bill as it was reported from the Appropriations Committee unless there is a decrease in general revenue appropriations which results from adoption of an amendment to another operating budget bill in a manner that does not increase the total of general revenue appropriated by all of the operating budget bills considered in the aggregate as they were reported from the Appropriations Committee.

2. Any member offering an increasing amendment to be balanced by a decreasing amendment to another operating budget bill shall submit the amendments together. If the decreasing amendment applies to the pending bill and the amendment is adopted, the increasing amendment shall be taken up when the bill it applies to is taken up. If the decreasing amendment applies to a bill that has not been passed, the decreasing amendment shall be taken up and disposed of first by going to the bill to be amended by the decreasing amendment. If the decreasing amendment is adopted, the increasing amendment shall be taken up next. If the decreasing amendment is not adopted, the increasing amendment shall not be in order. Decreasing amendments shall clearly state where the increased amount of moneys would be appropriated in the event that the corresponding increasing amendment is adopted.".

Senator Rohrbach offered Senate Resolution No. 1584, regarding Diane R. Dudenhoeffer, Jefferson City, which was adopted.

Senator Johnson offered Senate Resolution No. 1585, regarding Margaret Ann Lyle, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 1586, regarding Ronald H. Bates, Kansas City, which was adopted.

REFERRALS

President Pro Tem Kinder referred **SCR 67** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 1112** and **854**; **SB 1104**; **SS** for **SCS** for **SBs 923, 828, 876, 694** and **736**; and **SCS** for **SBs 915, 710** and **907**, begs leave to report that it has considered the same and recommends that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 1248**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Kenney offered SSA 1 for SA 2:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1248, Page 10, Section 144.190, Line 6 of said page, by inserting immediately after said line the following:

"Section 1. Within sixty days of the enactment of this act, the state gaming commission shall provide the general assembly with a report wherein it shall indicate the extent to which the admission fee to excursion gambling boats must be increased to provide sufficient revenue to enable the general assembly to authorize a three percent pay increase for all state employees. The state gaming commission shall make a diligent effort to utilize presently available information from various state entities in order to minimize the costs of this report."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Gibbons offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 1248, Page 8, Section 144.190, Line 14, by adding after the number "6" the words "or 7"; and

Further amend said bill, page 10, section 144.190, line 6, by adding after said line the following:

"7. Any taxpayer in the State of Missouri may sue the state on behalf of a class of all taxpayers for refunds of sales taxes which have been incorrectly or illegally collected in the same manner as is permitted under Article X, Sections 18(e)(5) and 23 of the Missouri Constitution."

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 1248, Page 4, Section 143.225, Lines 13-16 of said page, by striking all of said lines and inserting in lieu thereof the following:

"4. [The unpaid amount shall be after a reduction for the compensation provided by section 143.261.] Beginning January 1, 2006, the unpaid amount shall be after a reduction for the compensation provided by section 143.261.

5. The unpaid amount at the end of a quarter-monthly period shall not include unpaid amounts for any prior quarter-monthly period."; and further amend by renumbering the remaining subsections accordingly; and

Further amend said bill, Page 6, Section 143.225, Line 1 of said page, by inserting at the end of said line the following:
"Beginning January 1, 2006, such computation shall include compensation pursuant to section 143.261.

143.261. Beginning January 1, 2006, for every remittance to the director of revenue made on or before the date the remittance becomes due, the employer, other than the United States and its agencies, the state of Missouri and political subdivisions thereof, may deduct and retain the following percentages of the total amount of tax withheld and paid in each calendar year:

(1) Two percent of five thousand dollars or less;

(2) One percent of amount collected in excess of five thousand dollars and up to and including ten thousand dollars;

(3) One-half percent of amount collected in excess of ten thousand dollars."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Steelman offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 1248, Page 10, Section 144.190, Line 6 of said page, by inserting after all of said line the following:

"Section 1. The aggregate increase in revenue produced by the provisions of this act, calculated in comparison to the revenue produced in the immediately prior full fiscal year by the same provisions of law prior to their modification by this act, shall not be considered part of general revenue, but shall be deposited in the state school moneys fund and distributed in the manner provided in section 163.031, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Kenney offered **SSA 1** for **SA 5**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 1248, Page 10, Section 144.190, Line 6 of said page, by inserting after all of said line the following:

"Section 1. The aggregate increase in revenue produced by the provisions of this act, calculated in comparison to the revenue produced in the immediately prior full fiscal year by the same provisions of law prior to their modification by this act, shall be considered part of general revenue, and shall be considered as a source of revenue to fund section 163.031, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SS** for **SB 1248**, as amended, be adopted, which motion prevailed.

Senator Mathewson moved that **SS** for **SB 1248**, as amended, be declared perfected and ordered printed.

Senator Klarich requested a roll call vote be taken on the perfection of **SS** for **SB 1248**, as amended, and was joined in his request by Senators Childers, Mathewson, Sims and Singleton.

SS for **SB 1248**, as amended, was declared perfected and ordered printed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Goode	House
Jacob	Johnson	Kennedy	Kenney
Mathewson	Quick	Russell	Schneider
Sims	Staples	Stoll	Westfall
Wiggins--21			
NAYS--Senators			
Cauthorn	Foster	Gibbons	Gross
Kinder	Klarich	Klindt	Loudon
Rohrbach	Singleton	Steelman	Yeckel--12
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

HOUSE BILLS ON THIRD READING

HCS for **HB 1101**, with **SCS**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1101

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1101** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1101, Page 3, Section 1.045, Line 2, by deleting the words "to the General Revenue Fund" and inserting in lieu thereof the words "to funds authorized pursuant to Article IV, Section 27(a) of the Missouri Constitution"; and

Further amend said section, line 6, by deleting the words "General Revenue Fund" and inserting in lieu thereof the words "funds authorized pursuant to Article IV, Section 27 (a) of the Missouri Constitution".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Russell, **HCS** for **HB 1101**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

Senators Wiggins, DePasco and Quick offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1587

WHEREAS, the members of the Missouri Senate have been very pleased to learn that on Friday, April 26, the Honorable Roger Wilson, former State Senator and Governor of Missouri, will be honored in Kansas City at the Fifth Annual dinner sponsored by the Labor's Educational and Political Club Independent (LEPCI) as Labor's Friend of the Year 2002; and

WHEREAS, Governor Wilson is a native of Columbia and a product of Columbia's public school system before receiving his undergraduate college degree from Central Methodist College in Fayette and his Master in Education from the University of Missouri at Columbia; and

WHEREAS, Governor Wilson enjoyed a successful teaching career in Columbia, moving on to become an Assistant Principal and then won a special election for a vacant Senate seat to become State Senator for Missouri's 19th Senatorial District; and

WHEREAS, while serving in the Missouri Senate, the future Governor held numerous positions of trust, including Chairmanship of the prestigious Senate Appropriations Committee, was the sponsor of legislation that for the first time in history set the minimum entry-level salaries for Missouri teachers, and other accomplishments, including such labor legislation as Collective Bargaining, Worker Checkoff, Unemployment Compensation improvements, Workers Compensation improvements, Project Labor Agreement, Minimum Wage and Prevailing Wage packages; and

WHEREAS, in 1992 Roger Wilson was elected to Missouri's second highest office, that of Lieutenant Governor, which elevated him to the position of President of the Missouri Senate and its presiding Officer, and also to the position as Chairman of Missouri's Council on Efficient Operations (CEO); and

WHEREAS, in 1996 Roger Wilson was re-elected Lieutenant Governor overwhelmingly and continued to serve in that capacity with great honor until October 16, 2000, when the tragedy of history intervened with the death of Governor Mel Carnahan in an airplane crash in Jefferson County which thrust Roger Wilson into the office of Governor when he took the Constitutional oath shortly after 1:00 a.m. the morning of October 18, 2000; and

WHEREAS, Roger Wilson served as Governor at a time of sorrow with an unmatched tenure of grace, dignity and compassion, after which he willingly and graciously retired from public office and returned to Columbia with his beloved wife, Pat, and his children, Erin Elizabeth and Roger Andrew (Drew);

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding public service and leadership of Governor Roger Wilson, express their collective congratulations on his selection as Labor's Friend of the Year 2002, and extend to Governor Wilson and his family very best wishes for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Governor Roger Wilson, LEPCI and the Missouri AFL-CIO.

On behalf of Senator DePasco, Senators Wiggins and Quick offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1588

WHEREAS, the members of the Missouri Senate have been pleased to learn that on Friday, April 26, the Fifth Annual dinner sponsored by Labor's Educational and Political Club Independent (LEPCI) to honor outstanding individuals in the labor movement will be held at Harrah's Casino and Hotel Banquet Room in Kansas City; and

WHEREAS, LEPCI has selected Garry Kemp, Business Manager and Executive Secretary of the Greater Kansas City Building and Construction Trade Council as labor's Representative of the Year; and

WHEREAS, Garry Kemp has for many years been the epitome of what an outstanding leader in the labor movement should be with but one simple goal: to represent and help the working people of the State of Missouri; and

WHEREAS, Garry Kemp is a graduate of Truman High School in Independence and attended Central Missouri State University in Warrensburg where he majored in general studies and business before joining the Asbestos Workers Area Joint Apprenticeship Program in 1969; and

WHEREAS, after completing his apprenticeship training, Garry Kemp joined the Asbestos Workers Local 27 Union, advanced to the Executive Board in 1974, became President of the Union in 1977 and Business Manager in 1988; and

WHEREAS, only eight years later, following tireless hard work and dedication to the labor movement, Garry Kemp was elected Business Manager and Executive Secretary of the Greater Kansas City Building and Construction Trades Council, a position he currently holds; and

WHEREAS, Garry Kemp's involvement in the Labor Movement includes participation in a variety of community efforts including the Eastern Jackson County United Way, the Executive Board of the Greater Kansas City AFL-CIO, the United Labor Credit Union, the Kansas City Economic Development Corporation, the Missouri State Building Trades Council and UMKC's Project ReFocus, as well as the George Meany Center in Silver Springs, MD, the Institute for Labor Studies, and the Institute for Labor Studies at UMKC; and

WHEREAS, Garry Kemp has been particularly active in the field of asbestos efforts, has been an active trustee in the MO/Kan Asbestos Workers Pension Plan, the MO/Kan Asbestos Workers Health and Welfare Plan, and the Asbestos Workers Local 27 Executive Committee National Asbestos Workers Medical Fund; and

WHEREAS, Garry Kemp is most of all a devoted husband, father and grandfather in whose heart and love his wife, Sue, his children Jennie, Matt and Tammy and Grandchildren Madeline and Austin always come first;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute an outstanding Kansas City Labor Leader, express their appreciation for his lifetime of good citizenship and his contribution to Kansas City in general and in the Labor Movement in particular, and extend to Garry Kemp congratulations on being selected as LEPCI's Labor Representative of the year 2002 and very best wishes to Garry Kemp and his family for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Garry Kemp, LEPCI, the Greater Kansas City Building and Construction Trades Council, Asbestos Workers Local 27, and Missouri State AFL-CIO.

Senator Caskey offered Senate Resolution No. 1589, regarding Richard W. Carleton, Warrensburg, which was adopted.

Senator House offered Senate Resolution No. 1590, regarding Charlene Samons, St. Charles, which was adopted.

Senator House offered Senate Resolution No. 1591, regarding Derek Allen, St. Charles, which was adopted.

Senator House offered Senate Resolution No. 1592, regarding Carolyn Sikes-Hahn, St. Peters, which was adopted.

THIRD READING OF SENATE BILLS

SS for SCS for SB 1059, introduced by Senator Bentley, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1059

An Act to repeal sections 160.011, 160.051, 160.518, 160.530, 161.092, 166.260 and 168.400, RSMo, and to enact in lieu thereof eleven new sections relating to accountability for priority and performance schools.

Was called from the Informal Calendar and taken up.

On motion of Senator Bentley, **SS** for **SCS** for **SB 1059** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Wiggins	Yeckel--30		
	NAYS--Senators		
Rohrbach	Westfall--2		
	Absent--Senator Coleman--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 923, 828, 876, 694** and **736**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 923, 828, 876, 694 and 736

An Act to repeal sections 28.160, 135.327, 193.125, 193.255, 210.001, 210.145, 210.906, 211.031, 211.181, 211.183, 294.011, 294.024, 294.030, 294.043, 294.060, 294.090, 294.121, 294.141 and 452.402, RSMo, and to enact in lieu thereof twenty-four new sections relating to children and families, with penalty provisions.

Was taken up.

On motion of Senator Sims, **SS** for **SCS** for **SBs 923, 828, 876, 694** and **736** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bentley-- 1

Absent with leave--Senator DePasco-- 1

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1104, introduced by Senator Mathewson, entitled:

An Act to repeal section 143.811, RSMo, relating to interest paid on refunds, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SB 1104** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Kinder-- 1

Absent with leave--Senator DePasco-- 1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SCS for SBs 915, 710 and 907, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 915, 710 and 907

An Act to repeal sections 142.803, 144.020, 144.440, 144.700, 144.805, 155.080 and 226.200, RSMo, relating to measures to increase funding for transportation, and to enact in lieu thereof nine new sections relating to the same subject, with a referendum clause, effective date and a contingent termination date for certain sections.

Was taken up by Senator Westfall.

Senator Gross assumed the Chair.

On motion of Senator Westfall, SCS for SBs 915, 710 and 907 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Loudon	Mathewson	Russell	Schneider
Sims	Singleton	Staples	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Foster	Gibbons	Klindt	Rohrbach
Steelman--5			
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SCS for SBs 1112 and 854, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1112 and 854

An Act to repeal sections 44.023, 306.124, 307.177, 542.400, 542.402, 542.404, 542.406, 542.408, 542.410, 542.412, 542.414, 542.416, 542.418, 542.420, 542.422, 570.030, 571.020, 574.105, 574.115, 575.080, 578.008 and 610.021, RSMo, relating to terrorism, and to enact in lieu thereof twenty-six new sections relating to the same subject, with an emergency clause and penalty provisions.

Was taken up by Senator Caskey.

On motion of Senator Caskey, SCS for SBs 1112 and 854 was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Klarich
Klindt	Mathewson	Quick	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Loudon	Rohrbach--2		
	Absent--Senators		
Kenney	Kinder	Schneider	Staples--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Klarich	Klindt	Mathewson	Quick
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
	NAYS--Senators		
Goode	Loudon	Rohrbach--3	
	Absent--Senators		
Bland	Kennedy	Kenney	Kinder
Schneider	Staples--6		
	Absent with leave--Senator DePasco--1		

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Russell moved that **HCS** for **HB 1101**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Maxwell assumed the Chair.

SA 1 was again taken up.

At the request of Senator Caskey, the above amendment was withdrawn.

Senator Russell moved that **SCS** for **HCS** for **HB 1101** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1101** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 1102**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1102**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1102

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1102** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1102, Page 7, Section 2.072,

by deleting said section and replacing in lieu thereof the following new section:

"Section 2.072. To the Department of Elementary and Secondary Education

For the Division of School Improvement

Expense and Equipment 600,000

From Video Instructional Development &

Educational Opportunity Fund (0 FTE). . .600,000".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1102, Pages 2-4, Section 2.020, by deleting said section and replacing in lieu thereof the following new section:

"Section 2.020. To the Department of Elementary and Secondary Education

For distributions to the free public schools under the School Foundation Program as provided in Chapter 163, RSMo as follows: At least One Billion, Eight Hundred Fifty-Nine Million, One Hundred Forty - Two Thousand, Four Hundred Seventy-Five Dollars (\$1,859,142,475) for the Equity Formula; and no more than: Three Hundred Fifty-Six Million, Eight Hundred Forty-Nine Thousand, Two Hundred Forty-Six Dollars (\$356,849,246) for the Line 14 At-Risk Program; One Hundred Sixty-Two Million, Sixty-Seven Thousand, Seven Hundred Thirteen Dollars (\$162,067,713) for Transportation; One Hundred Forty-Nine Million, Six Hundred Seventeen Thousand, Nine Hundred Eighty-Two Dollars (\$149,617,982) for Special Education; Eleven Million, Ninety-Six Thousand, Nine Hundred Twenty-Five Dollars (\$11,096,925) for Remedial Reading; Sixty-Nine Million, Six Hundred Twenty-One Thousand, Nine Hundred Ninety-Five Dollars (\$69,621,995) for Early Childhood Special Education; Twenty-Four Million, Eight Hundred Seventy Thousand, One Hundred Four Dollars (\$24,870,104) for Gifted Education; Thirty-Eight Million, Three Hundred Thirty-Seven Thousand, Seven Hundred Seventy-Four Dollars (\$38,337,774) for Career Ladder; Fifty-Two Million, Eight Hundred Eighty Thousand, Four Hundred Twenty-Eight Dollars (\$52,880,428) for Vocational Education; Thirty-Two Million, Three Hundred Four Thousand, Six Hundred Fifty-One Dollars (\$32,304,651) for Early Childhood Development;

From Outstanding Schools

Trust Fund \$492,371,792

From State School Moneys Fund 2,172,438,103

From Lottery Proceeds Fund 88,240,365

From Early Childhood Development, Education and Care Fund 8,371,458

From Healthy Families Trust Fund-Child Care Account 2,000,000

For State Board of Education operated school programs

Personal Service 29,423,936

Personal Service and/or Expense and Equipment 1,547,447

Expense and Equipment 13,369,838

From General Revenue Fund 44,341,221

Personal Service 1,550,000

Personal Service and/or Expense and Equipment 78,985

Expense and Equipment 1,448,596

From Federal Funds 3,077,581

Expense and Equipment

From Bingo Proceeds for

Education Fund 1,707,167

Total (Not to exceed

923.72 F.T.E.) \$2,812,547,687"

and further amend said bill, page 16, Section 2.325 by deleting said section and replacing in lieu thereof the following new section:

"Section 2.325. To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the State School Moneys Fund

From General Revenue Fund \$1,803,734,113

From funds authorized pursuant to Article IV, section 27(a) of the

Missouri Constitution 81,632,415

Total (0 F.T.E.) \$1,885,366,528".

Senator House moved that the above amendment be adopted.

At the request of Senator Russell, **HCS** for **HB 1102**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Klarich moved that **SB 1152**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1152**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1152

An Act to repeal sections 50.333, 57.290, 67.133, 143.782, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270,

429.460, 429.470, 429.490, 429.540, 454.505, 455.027, 455.060, 455.067, 455.075, 455.504, 455.508, 476.058, 476.340, 476.385, 478.725, 488.012, 488.020, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.141, 517.151, 577.051 and 595.045, RSMo, relating to courts, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klarich moved that **SCS** for **SB 1152** be adopted.

Senator Klarich offered **SS** for **SCS** for **SB 1152**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1152

An Act to repeal sections 43.540, 50.333, 57.290, 59.042, 67.133, 143.782, 287.210, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 454.505, 455.027, 455.060, 455.067, 455.075, 455.504, 455.508, 476.058, 476.270, 476.320, 476.340, 476.385, 478.725, 483.245, 484.020, 488.005, 488.012, 488.015, 488.020, 488.610, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.141, 517.151, 537.684, 577.051, 589.410 and 595.045, RSMo, relating to judicial and administrative procedure and practice, and to enact in lieu thereof fifty-two new sections relating to the same subject, with penalty provisions.

Senator Klarich moved that **SS** for **SCS** for **SB 1152** be adopted.

Senator Wiggins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1152, Page 72, Section 494.420, Line 28 of said page, by inserting after all of said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

- (1) Any person who is less than [twenty-one] **eighteen** years of age;
- (2) Any person not a citizen of the United States;
- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity.

494.430. Upon timely application to the court, the following persons shall be excused from service as a petit or grand juror:

- (1) Any person actually performing the duties of a clergyman;
- (2) Any person who has served on a state or federal petit or grand jury within the preceding year;
- (3) Any person whose absence from [his] **such person's** regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;
- (4) Any person upon whom service as a juror would in the judgment of the court impose an extreme hardship;
- (5) Any person licensed to engage in and actively engaged in the practice of medicine, osteopathy, chiropractic, dentistry, or pharmacy."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1152, Page 74, Section 517.151, by inserting after all of said section the following:

"537.617. 1. The state of Missouri hereby grants limited consent to be sued under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., in the state courts of Missouri. The state of Missouri does not consent to be sued under the Americans with Disabilities Act in federal courts.

2. The consent granted in subsection 1 of this section is for a maximum monetary award in the amounts described in section 537.610. No state court shall enter a judgment for an amount in excess of the monetary limits in section 537.610. Such monetary limits shall apply regardless of whether the state has insurance for defense of the claim. The amount may include attorneys' fees, but shall not include punitive or exemplary damages.

3. The provisions of this section shall apply to all actions pending or initiated on or after the effective date of this section."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Klarich, **SB 1152**, with **SCS, SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Singleton moved that **SB 1232** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Singleton, **SB 1232** was declared perfected and ordered printed.

Senator Rohrbach moved that **SB 1140** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Rohrbach, **SB 1140** was declared perfected and ordered printed.

Senator Cauthorn moved that **SB 1095** and **SB 1195**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1095** and **1195**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1095 and 1195

An Act to repeal sections 50.550, 558.019 and 559.021, RSMo, and to enact in lieu thereof five new sections relating to certain law enforcement funding.

Was taken up.

Senator Cauthorn moved that **SCS** for **SBs 1095** and **1195** be adopted, which motion failed.

SB 1195 was placed on the Informal Calendar.

Senator Cauthorn moved that **SB 1095** be declared perfected and ordered printed.

Senator Steelman was recognized to interrogate Senator Caskey.

Senator Schneider raised the point of order that the debate between Senator Steelman and Senator Caskey is out of order as it is not relevant to the subject matter before the body.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

On motion of Senator Cauthorn, **SB 1095** was declared perfected and ordered printed.

Senator Jacob moved that **SB 1191**, with **SS No. 2**, **SA 1**, **SSA 1** for **SA 1** and point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Klarich, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

SA 1 was again taken up.

At the request of Senator Klarich, **SA 1** was withdrawn.

SS No. 2 for **SB 1191** was again taken up.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 1191, Page 8, Section 8.545, Lines 22-26, by striking all of said lines and inserting in lieu thereof the following: "**more than thirty percent of the state's share. The**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Jacob moved that **SS No. 2** for **SB 1191**, as amended, be adopted, which motion prevailed.

Senator Jacob moved that **SS No. 2** for **SB 1191**, as amended, be declared perfected and ordered printed and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Mathewson, Sims and Stoll.

SS No. 2 for **SB 1191**, as amended, was declared perfected and ordered printed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Mathewson	Quick	Russell	Sims
Staples	Steelman	Stoll	Wiggins
Yeckel--25			

NAYS--Senators

Foster	Gross	Klindt	Loudon
Rohrbach	Singleton	Westfall--7	

Absent--Senator Schneider--1

Absent with leave--Senator DePasco--1

Senator Sims moved that **SB 878**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 878**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 878

An Act to amend chapter 209, RSMo, by adding thereto ten new sections relating to rights of persons with service animals, with penalty provisions and a severability clause.

Was taken up.

Senator Sims moved that **SCS** for **SB 878** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 878** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 4**.

HOUSE CONCURRENT RESOLUTION NO. 4

WHEREAS, on April 24, 1915, three hundred Armenian leaders, writers, thinkers and professionals and five thousand of the poorest Armenians in Constantinople were rounded up and killed in the streets and in their homes by the Young Turk government of the Ottoman Empire; and

WHEREAS, from 1915 to 1923 nearly one and a half million Armenian men, women, and children out of a total of two and a half million Armenians in the Ottoman Empire were systematically sent to concentration camps, tortured and murdered by the Turks; and

WHEREAS, the United States was the first country to recognize the Armenian Genocide and raise millions of dollars to aid the victims of the Genocide; and

WHEREAS, most Armenians in the United States are children or grandchildren of the survivors of the Armenian Genocide; and

WHEREAS, by remembering and forcefully condemning the atrocities committed against the Armenians and honoring the survivors, as well as other victims of similar heinous conduct, we guard against repetition of such acts of genocide; and

WHEREAS, April 24 is the date on which Armenians around the world commemorate the Genocide in recognition of the day in 1915 when over

five thousand Armenians were killed in Constantinople by the Turkish Ottoman Empire:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby declare April 24th to be a "Day of Remembrance of the Armenian Genocide"; and

BE IT FURTHER RESOLVED that all Missourians be encouraged to observe the day in a manner that honors the survivors and brings to mind the meaning and historical significance of the Armenian Genocide

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 25**.

HOUSE CONCURRENT RESOLUTION NO. 25

Relating to the creation of the Missouri Commission on the Delta Regional Authority.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the President and United States Congress have created the Delta Regional Authority; and

WHEREAS, the Delta Regional Authority would bring the resources of a Federal-State partnership to the region for economic growth and provide funding for infrastructure and economic development needed to make prosperity possible in the Delta; and

WHEREAS, the federally designated Authority covers 29 counties in the Southeastern and South Central State of Missouri; and

WHEREAS, the affected counties in Missouri desire to participate with the Delta Regional Authority in any policy development and programs for the region:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby authorize the creation of the "Missouri Commission on the Delta Region Authority"; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Region Authority shall make recommendations to the General Assembly and the Governor regarding the Delta Region Authority. Such recommendations may cover principles and procedures for policy development; development of a state plan; prioritization of funding with consideration to poverty, joblessness, lack of job availability, literacy rates, and level of education; and economic and infrastructure development; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Region Authority may accept general revenue funds and other funds as may be appropriated to it; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Region Authority shall be composed of:

- (1) Five regional planning commission members or executive directors, one from each of the regional planning commissions serving the area, appointed by the governor;
- (2) Three members of the public appointed by the governor, with one member representing the interests of agriculture, one member representing business and industry, and one member representing education;
- (3) Four members of the House of Representatives, appointed by the Speaker, representing the counties in the region;
- (4) Two members of the Senate, appointed by the President Pro Tem of the Senate, representing the counties in the region; and
- (5) The Directors of the Departments of Economic Development, Transportation, and Agriculture; the Commissioner of Education; and the Commissioner of Higher Education as ex officio members; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy Fauntleroy, Democrat, 3815 East 68th Street, Kansas City, Jackson County, Missouri 64132, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2003, and until her successor is duly appointed and qualified; vice, Douglas Guthals, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

LaVaunt Maupin, Democrat, 7220 Henderson Avenue, St. Louis, St. Louis County, Missouri 63123, as a member of the Missouri Public Entity Risk Management Board, for a term ending July 15, 2005, and until his successor is duly appointed and qualified; vice, Ronald Stutzman, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jennifer Tidwell, Democrat, 3831 Harrison, Kansas City, Jackson County, Missouri 64109, as a member of the State Tax Commission, for a term ending January 23, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary E. West, Republican, 117 Double Eagle Drive, St. Charles, St. Charles County, Missouri 63303, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2007, and until her successor is duly appointed and qualified; vice, Linda Mariam, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Tatiana Kuzmina, Russia; and Scott and Charlotte George, Mt. Vernon; and Tatiana was made an honorary page.

Senator Sims introduced to the Senate, Carter and Melody Marcks, Columbia; and Carter was made an honorary page.

Senator Sims introduced to the Senate, Mary Davis, Jefferson City.

Senator Rohrbach introduced to the Senate, fourth grade students from Pilot Grove School, Pilot Grove.

Senator Bentley introduced to the Senate, 50 students from St. Agnes School, Springfield.

Senator Childers introduced to the Senate, 55 fifth grade students and teachers from Blue Eye School District, Blue Eye.

Senator Kenney introduced to the Senate, Deron Cherry, Lee's Summit.

The President introduced to the Senate, Marie Gladbach, Jefferson City; and representatives of the Missouri Federation of Women's Democratic Clubs.

Senator Kenney introduced to the Senate, Grace Becker, Sally Wolf, Donna Porter, Venita Jackson, Keisha Moore, Elaine Hamilton, Jennifer Kyner, Betsy Allgeyer, Janet Heitzig, Suzanne Joyce and representatives of the National Association of Women Business Owners from St. Louis and Kansas City.

Senator Sims introduced to the Senate, 23 fourth grade students and parents from Forsyth School, St. Louis.

Senator Sims introduced to the Senate, Jack Meiners, Michael Horstmeyer, Jamie Ezzelgot, Erin Sullivan and fifth grade students from Oak Hill School, St. Louis; and Jack, Michael, Jamie and Erin were made honorary pages.

Senator Sims introduced to the Senate, Le Cuc, Isia Douglas and representatives of the Urban League of Metropolitan St. Louis Government in Action Day; and Le Cuc and Isia were made honorary pages.

Senator Westfall introduced to the Senate, Billie Holt, Mrs. Doss, Mr. Tummons and 24 members of the Pierce City American Government Class, Pierce City.

Senator Johnson introduced to the Senate, Cheri and MacKenzie Patterson, St. Joseph; and Debbie Loucks, Mound City.

Senator Westfall introduced to the Senate, Faye Peters, Halfway.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Richard Burns, M.D., Columbia.

Senator Kennedy introduced to the Senate, Tim Hebron, Ryan Polete, Nick Bley, Matthew Johnson, Michelle Klimpel, Sean Cahn, Nick Green, Steve Beutel, E.J. Foreman and Jim Bishop, St. Louis.

Senator Coleman introduced to the Senate, Lyda Krewson, St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTIETH DAY-THURSDAY, APRIL 25, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 1266-Kenney, with SCS

SB 696-Cauthorn, et al

SB 1100-Childers, et al

SB 1035-Yeckel

SB 832-Schneider, with SCS

SJR 24-Johnson

HOUSE BILLS ON THIRD READING

1. HCS for HB 1103, with
SCS (Russell)

2. HCS for HB 1104, with
SCS (Russell)

3. HCS for HB 1105, with
SCS (Russell)

4. HCS for HB 1106, with
SCS (Russell)

5. HCS for HB 1107, with

SCS (Russell)

6. HCS for HB 1108, with

SCS (Russell)

7. HCS for HB 1109, with

SCS (Russell)

8. HCS for HB 1110, with

SCS (Russell)

9. HCS for HB 1111, with

SCS (Russell)

10. HCS for HB 1112, with

SCS (Russell)

11. HCS for HB 1711

(Jacob)

(In Budget Control)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,
with SCS (pending)

SB 647-Goode, with SCS
(pending)

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SB 668-Bentley, with SS &
SA 1 (pending)

SB 689-Gibbons, et al,
with SCS

SB 713-Singleton

SB 735-Steelman and
Kinder, with SCS

SBs 766, 1120 & 1121-
Steelman, with SCS

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with
SCS, SS for SCS & SA 4
(pending)

SB 926-Kenney, et al,
with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al,

with SCS

SB 1010-Sims

SB 1040-Gibbons, et al,

with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS

SB 1087-Gibbons, et al,

with SCS

SB 1099-Childers, with SCS

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1152-Klarich, with SCS,

SS for SCS & SA 2

(pending)

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

HOUSE BILLS ON THIRD READING

HCS for HB 1102, with SCS

and SA 2 (pending) (Russell)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

HB 2120-Ridgeway and

Hosmer, with SCS

(Gibbons)

HB 1955-Hilgemann, et al,

with SCS (Coleman)

HB 1659-Kelly (27) (Dougherty)

HB 1537-Clayton, with SCS

(Klarich)

HB 1814-Monaco, et al,

with SCA 1 (Klarich)

HB 1715-Moore, et al

(Klarich)

HB 1768-Hosmer, et al,

with SCA 1 (Klarich)

HB 1895-Carnahan, et al

(Jacob)

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,

with SCS (Mathewson)

HB 1148-Ross (Kenney)

HB 1580-Barnett (Klindt)

HB 1811-Gambaro, with SCS

(Dougherty)

HB 1839-Seigfreid (Mathewson)

HB 1846-Scott, with SCS

(Rohrbach)

HB 1849-Barnitz and
Overschmidt, with SCS
(Steelman)

HB 1861-Burcham (Staples)

HB 1982-Richardson (Foster)

HB 2002-Farnen and Naeger
(Caskey)

HB 2018-Bartle, et al (Kenney)

HB 2039-Kreider (Stoll)

HB 2064-Walton, et al (Goode)

HB 2130-Boykins, et al
(Coleman)

HB 2047-Ransdall, et al,
with SCS (Mathewson)

HB 2022-Richardson, with
SCS (Stoll)

HB 1973-Bowman (Schneider)

HB 1515-Burton (Bentley)

HB 1477-Farnen, with SCS
(Klindt)

HB 1964-Gambaro, with SCS
(Yeckel)

HB 1635-Hoppe, with SCS
(Wiggins)

HB 2009-O'Connor, with
SCS (Kenney)

HB 1838-Hosmer (Caskey)

HB 1085-Mays (50) (Quick)

HB 1548-Barry, with SCS

(Sims)

HB 1812-Riback Wilson

(Sims)

HB 1781-Green (73) and

Ladd Baker (Russell)

HB 1783-Lowe, et al, with

SCS (Rohrbach)

HB 1636-Hoppe, with SCS

(Wiggins)

HB 1840-Seigfreid (Mathewson)

HB 1032-Portwood (Steelman)

HB 1313-Burton, with SCS

(Foster)

HB 1937-Barry, with SCA 1

(Singleton)

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al

(Foster)

HB 1921-Green (73), with

SCS (Klarich)

HB 2117-Boucher (Caskey)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus (Yeckel)

HB 1342-Farnen (Yeckel)

(In Budget Control)

HB 1668-Holt, et al (House)

HB 1822-Walton (Yeckel)

HB 1492-Seigfreid, with

SCS (Mathewson)

HB 1495-Seigfreid, with

SCS (Mathewson)

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al,

with SCS (Foster)

HB 1674-O'Toole and

Dempsey (Stoll)

HB 1890-Hilgemann, et al,

with SCS (Gross)

HB 1518-Luetkenhaus

(Rohrbach)

HB 1568-Luetkenhaus, with

SCS (Rohrbach)

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS (Rohrbach)

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS (House)

HB 1918-Koller, with SCS

(Staples)

HBs 1093, 1094, 1159,

1204, 1242, 1272, 1391,

1397, 1411, 1624, 1632,
1714, 1755, 1778, 1779,
1852, 1862, 2025 &
2123-Relford and Seigfreid,
with SCS (Mathewson)
HBs 1141, 1400, 1645, 1745
& 2026-Naeger, with SCS
(Yeckel)

HBs 1205, 1214, 1314, 1320,
1504, 1788, 1867 & 1969-
Seigfreid and Relford, with
SCS (Mathewson)

HB 1075-Nordwald (House)

HB 2062-Hosmer, et al
(Westfall)

HB 1789-Ross, et al, with
SCS (Klarich)

HB 1643-Holand and Barry
(Singleton)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

To be Referred

HCR 4-Boucher

HCR 25-Meredith

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11 (House)

SCR 60-Kennedy, with SCS

SCR 64-Caskey

SCR 57-Steelman, with SCS

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY--THURSDAY, APRIL 25, 2002

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"I praise you, for I am marvelously made, wonderful are your works that I know very well." (Psalm 139:14)

You are an awesome God, O Lord, who has created us so our mind, body and soul are interconnected and what affects one part touches the others. So we are thankful that even a quiet moment like this, in conversation with You, dissipates some of the stress we experience this time of year. Help us to take more such moments so we may be healthier and more effective in what is ahead of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator DePasco-- 1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senators House and Gross offered Senate Resolution No. 1593, regarding Kelly Behlmann, St. Peters, which was adopted.

Senators House and Gross offered Senate Resolution No. 1594, regarding Carol Styrk, St. Peters, which was adopted.

Senators House and Gross offered Senate Resolution No. 1595, regarding Keiren Greenhouse, St. Peters, which was adopted.

Senators House and Gross offered Senate Resolution No. 1596, regarding Sharon Schertel, St. Peters, which was adopted.

Senators House and Gross offered Senate Resolution No. 1597, regarding Dr. Roger Deppe, St. Peters, which was adopted.

Senators House and Gross offered Senate Resolution No. 1598, regarding Rich Brooks, St. Peters, which was adopted.

Senator Stoll offered Senate Resolution No. 1599, regarding Brent Nelson, which was adopted.

Senator Westfall offered Senate Resolution No. 1600, regarding Roger Foster, Aurora, which was adopted.

Senator Westfall offered Senate Resolution No. 1601, regarding the One Hundredth Birthday of Bertha Ella Fuller Davison, which was adopted.

Senator Klarich offered the following resolution:

SENATE RESOLUTION NO. 1602

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-Sixth District of the one day's notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, Second Regular Session, that Senate Rule 93 of the temporary rules be amended to read as follows:

"Rule 93. No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for spouses and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. **No person except present and former members of the senate and the house of representatives, present and former governors, present and former secretaries of state, present and former state auditors, present and former state treasurers, present and former judges of the supreme court, courts of appeals or circuit courts, present and former attorneys general, present and former members of congress and present senate staff shall be admitted to the Pershing and Bingham galleries when the senate is in session, unless upon unanimous consent of the senate.** Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration."

Senator Coleman offered Senate Resolution No. 1603, regarding the Fiftieth Birthday of Prevost Vest Foushee, Ballwin, which was adopted.

Senator Westfall offered Senate Resolution No. 1604, regarding the death of E. Gene Ankrom, Polk County, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Joyce E. Murphy, as a member of the Missouri State Public Employees Deferred Compensation Commission;

Also,

Deron L. Cherry, as a member of the State Environmental Improvement and Energy Resources Authority;

Also,

James S. Anderson, P.L.S., as Chairman of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors;

Also,

Clarence L. Foster, Jr., as a member of the Elevator Safety Board;

Also,

Deborah L. Gerecke, R.D.H. and Tadd S. Greenfield, as members of the Advisory Commission for Dental Hygienists;

Also,

Jerry W. Milbourn, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Emmett W. Fairfax, as a member of the Missouri Veterans' Commission;

Also,

W. Carter Glass, O.D. and Terrence M. Swinger, O.D., as members of the State Board of Optometry;

Also,

Erin S. Hampton, as a member of the Missouri Board for Occupational Therapy;

Also,

Courtney G. Beykirch, as a member of the Board of Directors for the American National Fish and Wildlife Museum District;

Also,

Glennon Polete, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Anthony R. Myers, as a member of the Missouri Training and Employment Council;

Also,

John Scott George, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Valerie R. Taylor, as a member of the State Board of Senior Services;

Also,

Mary Wheeler-Jones, as a public member and Katherine A. Tyler, as a member of the Missouri Board for Respiratory Care;

Also,

Anne G. Rottmann, as a member of the State Historical Records Advisory Board.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Russell moved that **HCS** for **HB 1102**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

Senator Singleton offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1102, Pages 2, 3 and 4, Section 2.020, Line 40, by deleting the number "2,090,805,688" and inserting in lieu thereof the number "2,066,757,130";

Further amend said section, line 55, by deleting the number "\$2,730,915,272" and inserting in lieu thereof the number "\$2,706,866,714";

Further amend said bill, Section 2.325, line 5, by deleting the number "\$1,803,734,113", and inserting in lieu thereof the number "\$1,779,685,555".

And further amend SCS/HCS/HB 1105, Page 30-31, Section 5.505, Line 22, by inserting immediately after said section the following new section:

"Section 5.510. To the Board of Fund

Commissioners, Board of Public Buildings,

Department of Elementary and Secondary

Education, Department of Higher Education,

Department of Revenue, Department of

Transportation, the Office of Administration,

Department of Agriculture, Department of

Natural Resources, Department of

Conservation, Department of Economic

Development, Department of Insurance,

Department of Labor and Industrial Relations,
Department of Public Safety, Department of
Corrections, Department of Mental
Health, Department of Health and
Senior Services, Department of Social
Services, the Chief Executive's Office
and Mansion, Lieutenant Governor, Secretary
of State, State Auditor, State Treasurer,
Attorney General, Judiciary, Public Defender,
the State Senate, and the House of
Representatives

For state employee 2% salary increase and related
fringe benefits

From General Revenue \$ 24,048,558

From Federal Funds 8,128,433

From Other Funds 14,100,090

Total \$ 46,277,081".

Senator Singleton moved that the above substitute amendment be adopted.

Senator Mathewson raised the point of order that **SSA 1** for **SA 2** is out of order as it exceeds the scope of the underlying bill and further that the amendment attempts to amend a bill that is not currently before the body.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 2 was again taken up.

At the request of Senator House, the above amendment was withdrawn.

Senator House offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1102, Page 2, Section 2.020, Lines 4-8, by deleting all of said lines and inserting in lieu thereof the following:

"One Billion, Eight Hundred Thirty-One Million, Six Hundred Thirty-Three Thousand, Seven Hundred Seventy-Six Dollars (\$1,831,633,776) for the Equity Formula; and no more than: Three hundred Fifty-Nine Million, Three Hundred Fifty-Seven Thousand, Nine Hundred Forty-Five Dollars (\$359,357,945) for the Line 14 At-Risk Program; One Hundred"

And further amend said bill, Page 3, Section 2.020, Lines 26-38 by deleting all of said lines.

And further amend said bill, Page 3, Section 2.020, Line 39 by inserting immediately before said line the following:

"From Budget Reserve Fund \$50,000,000"

And further said bill, Page 4, Section 2.020, Line 55 by deleting the figure "\$2,730,915,272" and inserting in lieu thereof the figure "\$2,780,915,272".

Senator House moved that the above amendment be adopted, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Coleman
Dougherty	Foster	House	Kennedy
Steelman	Stoll--10		
NAYS--Senators			
Bentley	Childers	Gibbons	Goode
Gross	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Singleton	Staples	Westfall
Wiggins	Yeckel--22		
Absent--Senators--None			
Absent with leave--Senators			
DePasco	Sims--2		

Senator Russell moved that **SCS** for **HCS** for **HB 1102**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1102**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
House	Jacob	Klarich	Singleton--4
Absent--Senator Schneider--1			
Absent with leave--Senators			
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for HB 1103, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for HCS for HB 1103, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1103

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS for HCS for HB 1103** be adopted.

Senator Westfall assumed the Chair.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1103, Page 9, Section 3.200, Line 4, by deleting the number "\$376,960,320" and inserting in lieu thereof the number "\$376,860,320" and further amend said bill by adjusting bill totals accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Steelman offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1103, Page 9-10, Section 3.200, Line 4, by deleting the number "376,960,320" and inserting in lieu thereof the number "376,860,320"; and further amend said bill, Section 3.200, Line 8, by inserting immediately thereafter the following:

"For engineering equipment at the Rolla Campus

From General Revenue Fund \$100,000";

and further amend said bill by adjusting bill totals accordingly".

Senator Steelman moved that the above substitute amendment be adopted.

Senator Goode raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 was again taken up.

Senator Loudon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators House, Klarich, Steelman and Wiggins.

SA 1 was adopted by the following vote:

YEAS--Senators			
Cauthorn	Childers	Foster	Gibbons
Gross	House	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Singleton	Steelman
Stoll	Westfall	Yeckel--19	
NAYS--Senators			
Bentley	Bland	Caskey	Coleman
Dougherty	Goode	Jacob	Johnson
Mathewson	Quick	Schneider	Wiggins--12
Absent--Senator Staples--1			
Absent with leave--Senators			
DePasco	Sims--2		

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1103, Page 3, Section 3.060, Line 4 by inserting immediately after said line the following new line

"From General Revenue Fund \$825,000";

and further amend said bill, Pages 3 - 4, Section 3.065, Line 4 by deleting the number "\$7,635,000" and inserting lieu thereof the number "8,460,000";

and further amend said bill, Page 3, Section 3.040, Line 4 by deleting the number "14,208,300" and inserting in lieu thereof the number "15,787,000";

and further amend said bill, Page 3, Section 3.045, Line 4, by deleting the number "14,208,300" and inserting in lieu thereof the number "15,787,000";

and further amend said bill by adjusting bill totals accordingly".

Senator Jacob moved that the above amendment be adopted.

The Senate observed a moment of silence for Bill Sims.

SA 2 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Russell moved that **SCS** for **HCS** for **HB 1103**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1103**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Loudon	Mathewson	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Jacob--1

Absent--Senators

Klindt Quick--2

Absent with leave--Senators

DePasco Sims--2

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Childers assumed the Chair.

HCS for **HB 1104**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1104**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1104

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1104** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1104, Page 23, Section 4.285, by deleting said section and inserting in lieu thereof the following new section:

"4.285. To the Department of Transportation for the Waterways Program for grants to port authorities for assistance in port planning, acquisition, or construction within the port districts for the Mid-America Port Commission \$25,000

From the General Revenue Fund \$194,987".

Senator Cauthorn moved that the above amendment be adopted, which motion failed.

President Maxwell assumed the Chair.

Senator Russell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1104, Page 16, Section 4.180, by deleting said section and replacing in lieu thereof the following new section:

"Section 4.180. To the Department of Revenue

For the State Lottery Commission

For any and all expenditures, including operating maintenance and repair and minor renovations, necessary for the purpose of operating a state lottery

Personal Service \$ 6,570,699

Expense and Equipment 36,938,817E

From Lottery Enterprise Fund \$43,509,516".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1104, Page 4, Section 4.010, Line 9, by inserting immediately thereafter the following new section:

"Section 4.014. To the Department of Revenue

To pay costs of printing drivers license manuals in a foreign language

Expense and Equipment

From Department of Revenue Information

Fund (0 F.T.E.) \$20,400".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HCS** for **HB 1104**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1104**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators			
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 1105**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1105**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1105

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1105** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1105, Page 4, Section 5.040, Line 1, by deleting all of said section.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Russell moved that **SCS** for **HCS** for **HB 1105** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1105** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Singleton--1			
Absent--Senators--None			
Absent with leave--Senators			
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 1106**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1106

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Steelman assumed the Chair.

Senator Russell moved that **SCS** for **HCS** for **HB 1106** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1106** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Quick	Schneider--3
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Absent with leave--Senators

DePasco	Sims--2
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The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 1107**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1107**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1107

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1107** be adopted.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1107, Page 17, Section 7.705, by deleting said section and replacing it with the following new section:

"Section 7.705 To the Department of Insurance

For market conduct and financial examinations of insurance companies

Personal Service \$5,333,899

Expense and Equipment 2,095,607

From Insurance Examiners Fund

(Not to exceed 82.00 FTE) \$7,429,506".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HCS** for **HB 1107**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1107**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 1108**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1108**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1108

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1108** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1108** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Gibbons--2		
	Absent with leave--Senators		
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 1109**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1109**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1109

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1109** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1109** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Coleman	Quick	Singleton--3	
Absent with leave--Senators			
DePasco	Sims--2		

Senator Rohrbach assumed the Chair.

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

President Maxwell assumed the Chair.

HCS for **HB 1110**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1110**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1110

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1110** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1110** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Bland--1		
	Absent--Senators		
Schneider	Staples--2		
	Absent with leave--Senators		
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1140; SB 1095; SB 1232; SCS for SB 878; SS No. 2 for SB 1191**; and **SS for SB 1248**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS No. 2 for SB 1191** and **SS for SB 1248** to the Committee on State Budget Control.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 1605, regarding the Raytown School District, Raytown, which was adopted.

Senator Caskey offered Senate Resolution No. 1606, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John O. Hough, Rich Hill, which was adopted.

Senator Steelman offered Senate Resolution No. 1607, regarding the 2001-2002 NAIA National Champion William Woods University men's volleyball team.

Senator Steelman offered Senate Resolution No. 1608, regarding Donald G. Brackhahn, Rolla, which was adopted.

Senator Steelman offered Senate Resolution No. 1609, regarding Erin Jones, which was adopted.

Senator Bentley offered Senate Resolution No. 1610, regarding the death of Jack Steele Curtis, Springfield, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1611, regarding William Alan Schlanker, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1612, regarding Earl E. Meyer, Palmyra, which was adopted.

On motion of Senator Kenney, the Senate recessed for approximately 30 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1613, regarding Joseph E. Barfield, Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 1614, regarding Sharon K. Lambert, Jasper County, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SB 1248**; and **SS No. 2** for **SB 1191**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 1111**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1111**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1111

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1111** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 24, Section 11.460, Line 10, by deleting the number "4,501,960" and inserting in lieu thereof the number "18,691,200"; and further amend said Section, Line 11, by deleting the number "7,098,040" and inserting in lieu thereof the number "29,308,800"; and further amend said Section, Line 12, by deleting the number "11,600,000" and inserting in lieu thereof the number "48,000,000".

Senator Jacob moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 24, Section 11.460, Line 10, by deleting the number "4,501,960" and inserting in lieu thereof the number "18,691,200"; and further amend said Section, Line 11, by deleting the number "7,098,040" and inserting in lieu thereof the number "29,308,800"; and further amend said Section, Line 12, by deleting the number "11,600,000" and inserting in lieu thereof the number "48,000,000";

and further amend said bill, Page 24, Section 11.460, by deleting Lines 3 through 9 in their entirety and inserting in

lieu thereof the following:

"Such funds shall only be used to establish and maintain quality of care programs and initiatives in nursing homes consistent with the requirements of Chapter 198, RSMo and implementing regulations including the hiring and retention of qualified staff. \$4,000,000 shall be used for one-time grants to high Medicaid volume facilities. The single state agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount."

Senator Klarich moved that the above substitute amendment be adopted.

Senator Klarich offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 24, Section 11.460, Lines 1-6, by deleting the number "4,501,960" and inserting in lieu thereof the number "24,450,300"; and further amend said Section, Line 11, by deleting the number "7,098,040" and inserting in lieu thereof the number "38,549,700"; and further amend said Section, Line 12, by deleting the number "11,600,000" and inserting in lieu thereof the number "63,000,000".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 1** to **SSA 1** for **SA 1** was withdrawn.

Senator Klarich offered **SA 2** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 24, Section 11.460, Lines 1-6, by deleting said lines and replace in lieu thereof the following: "by deleting the number "4,501,960" and inserting in lieu thereof the number "24,450,300"; and further amend said Section, Line 11, by deleting the number "7,098,040" and inserting in lieu thereof the number "38,549,700"; and further amend said Section, Line 12, by deleting the number "11,600,000" and inserting in lieu thereof the number "63,000,000".

Senator Klarich moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 2 to **SSA 1** for **SA 1** was again taken up.

At the request of Senator Klarich, the above amendment was withdrawn.

SSA 1 for **SA 1** was again taken up.

Senator Kennedy offered **SA 3** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 1, Lines 1-17, by deleting all of said lines and inserting in lieu thereof the following: "amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 24, Section 11.460, Line 4, by inserting after the word "efficiency" the following:

". Such funds shall only be used to establish quality of care initiatives in nursing homes to retain quality staff with programs such as establishing a career ladder for direct care-givers, developing a certified nurse assistant training, mentoring and continuing education program and/or other quality of care initiatives that the Division of Medical Services in collaboration with the Department of Health and Senior Services shall establish before said funds are released. Also,".

Senator Kennedy moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 3 to SSA 1 for SA 1** is out of order as it is dilatory.

The point of order was referred to the President Pro Tem.

Senator Schneider raised the further point of order that **SA 3 to SSA 1 for SA 1** is out of order as it is in fact a substitute amendment for the substitute amendment rather than an amendment to the substitute amendment and, therefore, in the third degree.

The point of order was referred to the President Pro Tem.

President Pro Tem Kinder ruled the point of order raised by Senator Schneider well taken, rendering the point of order raised by Senator Klarich moot.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

SSA 1 for SA 1 was again taken up.

At the request of Senator Klarich, the above substitute amendment was withdrawn.

SA 1 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 26, Section 11.475, Line 4, by inserting immediately after the word "programs" the following: ", and funding for hospital-employed, Medicaid-enrolled physicians in the emergency departments of Level I, II, III Trauma Centers as defined by the Department of Health and Senior Services and Critical Access Hospitals as defined by the Department of Social Services Division of Medical Services contingent upon adoption of an offsetting increase in the applicable provider tax.".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 24, Section 11.460, Line 4, by inserting after the word "efficiency" the following:

". Such funds shall only be used to establish quality of care initiatives in nursing homes to retain quality staff with programs such as establishing a career ladder for direct care-givers, developing a certified nurse assistant training, mentoring and continuing education program and/or other quality of care initiatives that the Division of Medical Services in collaboration with the Department of Health and Senior Services shall establish before said funds are released. Also,".

Senator Kennedy moved that the above amendment be adopted.

Senator Coleman offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 24, Section 11.460, Line 4 by inserting after the word "efficiency" the following:

", of which before said funds are released to long term care facilities, said facilities shall submit for approval to the Division of Medical Services how said funds shall be utilized to increase quality and efficiency in said facilities with emphasis being placed on improving direct care of patients and programs to reduce staff turnovers. And also"; and

Further amend title and enacting clause accordingly.

Senator Coleman moved that the above substitute amendment be adopted, which motion failed.

SA 3 was again taken up.

Senator Kennedy moved that the above amendment be adopted, which motion failed.

Senator Russell moved that **SCS** for **HCS** for **HB 1111**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1111**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Goode
Gross	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Bland--1

Absent--Senators

Gibbons

House--2

Absent with leave--Senators

DePasco

Sims--2

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for HB 1112, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for HCS for HB 1112, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1112

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS for HCS for HB 1112** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS for HCS for HB 1112** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Bland

Cauthorn

Childers

Coleman	Dougherty	Foster	Goode
Gross	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senator Caskey--1

Absent--Senators

Gibbons	House	Staples--3
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Absent with leave--Senators

DePasco	Sims--2
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The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on pages 958 and 959 of the Senate Journal for Wednesday, April 24, 2002, to the Committee on Gubernatorial Appointments.

THIRD READING OF SENATE BILLS

Senator Kenney requested unanimous consent of the Senate that **SR 52** be suspended for the purpose of taking up **SS No. 2** for **SB 1191** and **SS** for **SB 1248** for 3rd reading and final passage, which request was granted.

SS No. 2 for **SB 1191**, introduced by Senator Jacob, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 1191

An Act to amend chapter 8, RSMo, by adding thereto twenty-three new sections relating to the Missouri tobacco settlement authority act, with an emergency clause.

Was taken up.

On motion of Senator Jacob, **SS No. 2** for **SB 1191** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Goode
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Mathewson	Quick
Russell	Schneider	Steelman	Stoll
Wiggins	Yeckel--22		
	NAYS--Senators		
Foster	Gross	Klindt	Loudon
Rohrbach	Singleton	Westfall--7	

	Absent--Senators	
Gibbons	House	Staples--3
	Absent with leave--Senators	
DePasco	Sims--2	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Goode
Gross	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Mathewson
Quick	Russell	Schneider	Steelman
Stoll	Westfall	Wiggins	Yeckel--24

	NAYS--Senators		
Foster	Klindt	Loudon	Rohrbach
Singleton--5			

	Absent--Senators	
Gibbons	House	Staples--3
	Absent with leave--Senators	
DePasco	Sims--2	

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SS for **SB 1248**, introduced by Senator Mathewson, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1248

An Act to repeal sections 143.225, 143.261, 143.811 and 144.190, RSMo, and to enact in lieu thereof seven new sections relating to assessment, collection and refund procedures of taxes, with an emergency clause.

Was taken up.

On motion of Senator Mathewson, **SS** for **SB 1248** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Dougherty	Goode	Jacob	Johnson
Kennedy	Kenney	Kinder	Mathewson
Quick	Russell	Schneider	Stoll
Westfall	Wiggins--18		

	NAYS--Senators		
Cauthorn	Foster	Gross	Klarich
Klindt	Loudon	Rohrbach	Singleton

Steelman	Yeckel--10		
	Absent--Senators		
Coleman	Gibbons	House	Staples--4
	Absent with leave--Senators		
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1953**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance, to which was referred **HB 1446**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS for HB 1888**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **HB 1270** and **HB 2032**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HB 1712**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HS for HB 1994**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, Senator Kenney submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HCS for HB 1443**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1041**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1600**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 2008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HB 1532**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1348**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1402**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Kenney submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 2023**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 2023, page 3, section 162.961, lines 57 and 58, by deleting all of said lines and inserting in lieu thereof the following:

"child is a danger to himself or others,] **change of placement** or by a responsible educational agency to seek a forty-five day alternative educational placement for a dangerous or violent student."

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1086**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONCURRENT RESOLUTIONS

Senators Schneider, Kenney and Klarich offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 69

WHEREAS, on October 28, 2000, under Public Law 106-387, an exemption was made to allow food and medicine sales to Cuba, which was the first time since sanctions against Cuba were imposed in 1962; and

WHEREAS, the state of Pennsylvania has established a sister-state relationship with a Cuban province; and

WHEREAS, cities within the states of Indiana, Wisconsin, Alabama, California, Pennsylvania and Washington have established sister-city relationships with Cuban cities; and

WHEREAS, Cuba invites the state of Missouri to establish a sister-state relationship with the Province of Villa Clara to foster mutual friendship, peace and economic opportunities; and

WHEREAS, both the state of Missouri and the Province of Villa Clara possess rich cultural histories, the sharing of which will be mutually beneficial; and

WHEREAS, the state of Missouri is a national leader in the fields of agriculture, medicine and research, and is therefore in a unique position to provide humanitarian assistance to our Caribbean neighbor as well as developing an expansive market for Missouri's agriculture and medical products:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby extend to the officials of the Province of Villa Clara their sincere invitation to join with the state of Missouri in a meaningful sister-state relationship; and

BE IT FURTHER RESOLVED that the Governor of the state of Missouri is requested to implement procedures to effectuate the development of a sister-state relationship with the Province of Villa Clara; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of the state of Missouri and the Government Officials of the Province of Villa Clara.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sarah Schuette, 412 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2006, and until her successor is duly appointed and qualified; vice, Douglas Burnett, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 776**, entitled:

An Act to repeal section 166.415, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education savings program.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 645**, entitled:

An Act to repeal sections 217.305 and 221.425, RSMo, and to enact in lieu thereof three new sections relating to law enforcement.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1113**, entitled:

An Act to repeal sections 58.260, 58.270, 58.310, 58.330, 58.340 and 58.360, RSMo, relating to coroners, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 786**, entitled:

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the licensing of architects and engineers.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 1086** and **1126**, entitled:

An Act to repeal sections 67.398, 71.285, 447.620, 447.622, 447.625, 447.632, 447.636, 447.638, and 447.640, RSMo, and to enact in lieu thereof ten new sections relating to nuisance abatement.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1012**, entitled:

An Act to repeal section 8.231, RSMo, and to enact in lieu thereof one new section relating to guaranteed energy cost savings contracts.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 795**, entitled:

An Act to amend chapter 650, RSMo, by adding thereto nine new sections relating to emergency communication systems.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1244**, entitled:

An Act to repeal section 191.925, RSMo, relating to the newborn hearing screening program, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 961**, entitled:

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eight new sections relating to police retirement systems.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1213**, entitled:

An Act to repeal sections 388.610 and 388.640, RSMo, and to enact in lieu thereof two new sections relating to railroad corporations.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 749**, entitled:

An Act to repeal sections 21.250 and 116.050, RSMo, relating to powers of the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1460**, entitled:

An Act to repeal sections 167.031 and 167.051, RSMo, and to enact in lieu thereof two new sections relating to compulsory attendance age for public schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1717**, entitled:

An Act to repeal sections 197.305, 197.310, 197.311, 197.315, 197.317, 197.326, and 197.366, RSMo, and to enact in lieu thereof thirteen new sections relating to the certificate of need program of the department of health and senior services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2078**, entitled:

An Act to repeal sections 141.265, 142.027, 313.335, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1143**, entitled:

An Act to repeal sections 135.478, 135.481, 135.484, 135.487, 135.530, and 143.811, RSMo, and to enact in lieu thereof seven new sections relating to tax credits for distressed communities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1962**, entitled:

An Act to repeal sections 43.530, 43.540, 50.333, 50.550, 57.290, 59.042, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 482.330, 483.245, 488.005, 488.012, 488.445, 488.2250, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.425, 494.430, 506.060, 510.120, 511.350, 511.510, 516.200, 517.111, 517.141, 517.151, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 558.019, 559.021, 565.030, 565.084, 577.051, 589.410, 595.045, 621.015 and 621.045, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-six new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1695**, entitled:

An Act to repeal section 376.1219, RSMo, and to enact in lieu thereof five new sections relating to health insurance coverage for PKU and inherited diseases.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1729, 1589 and 1435**, entitled:

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1508**, entitled:

An Act to repeal sections 226.540, 226.550, 226.580, and 226.585, RSMo, and to enact in lieu thereof five new sections relating to highway beautification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 51**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to hunt, fish, and harvest game.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1926**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1615, regarding Carolyn S. Nixon, Elkland, which was adopted.

Senator Westfall offered Senate Resolution No. 1616, regarding Second Lieutenant Mathew David Kilgore, Republic, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Jayson Long and students from Albany Elementary School, Albany; and Jayson was made an honorary page.

Senator Cauthorn introduced to the Senate, the Physician of the Day, Peggy Barjenbruch, M.D., Mexico.

Senator Yeckel introduced to the Senate, Laura Montgomery and twenty-five fourth grade students from Washington Lutheran School, St. Louis.

Senator Singleton introduced to the Senate, Todd Kaufman, Sacramento, California.

Senator Rohrbach introduced to the Senate, Avery Wagner, Columbia; and Avery was made an honorary page.

Senator House introduced to the Senate, Mrs. Hagen, Mrs. Hoffmeister, Mrs. Steinhoff and 30 fourth grade students from Willie Harris Elementary School, St. Charles.

Senator Wiggins introduced to the Senate, Janet Brennan, Laura Monsees, Teri LaManna, Kate McDonald, Cathy Emory and 20 members of Girl Scout Troop 46, fifth grade students from St. Peter's School, Kansas City; and Rachel Flattery, Erin McDonald, Mollie Caffey and Nora Salle were made honorary pages.

Senator Bland introduced to the Senate, KaLea Kunkel, Kansas City.

Senator Singleton introduced to the Senate, Michael, Jennifer, Caitlyn, Logan, Lacey and Lucas Boze; Charmaine, Joshua, James and Autumn Marchisio; Jo and Joseph Clark; Kristy, Bethany, Keelie, Macie and Levi Jones; Larry and Carrie Jones and Caitlin Bratton; Leah, Matthew, Shaleah and Titus McCully; Katherine, Amber, Johnathan and Elizabeth Brumley; and Steven Marshall, Shelby Shay and Andrew and Emily Gholson, representatives of the PARENT Home School Group from McDonald County; and Joshua Marchisio, Caitlin Bratton and Matthew McCully were made honorary pages.

Senator Johnson introduced to the Senate, Brenda McCurdy and 50 fourth grade students from Mid-Buchanan

Elementary School, Faucett.

Senator Stoll introduced to the Senate, Linda Berry and 17 fifth and sixth grade students and adults from Christian Outreach School of Hillsboro.

Senator Stoll introduced to the Senate, Greg Balmer, Robin McMahon and 33 eighth grade students and adults from Crystal City Elementary School, Crystal City.

Senator Schneider introduced to the Senate, 100 fourth grade students from Wedgewood Elementary School, North County St. Louis; and Enanuvie Ewharekuko, Dannielle Smith, Danielle Holland and Kyle Witherbee were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 1:00 p.m., Monday, April 29, 2002.

SENATE CALENDAR

SIXTY-FIRST DAY-MONDAY, APRIL 29, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1460-Hilgemann

HCS for HB 1717

HB 2078-Clayton

HCS for HB 1143

HS for HCS for HB 1962-

Monaco

HCS for HB 1695

HS for HCS for HBs 1729,

1589 & 1435-Barnitz

HB 1508-Koller

HCS for HJR 51

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al

(In Budget Control)

SB 1140-Rohrbach

SB 1095-Cauthorn

SB 1232-Singleton

SCS for SB 878-Sims

SENATE BILLS FOR PERFECTION

SB 1266-Kenney, with SCS

SB 696-Cauthorn, et al

SB 1100-Childers, et al

SB 1035-Yeckel

SB 832-Schneider, with SCS

SJR 24-Johnson

HOUSE BILLS ON THIRD READING

1. HCS for HB 1711 (Jacob)

(In Budget Control)

2. HB 1953-Van Zandt, et

al, with SCS

3. HB 1446-Luetkenhaus,

with SCS

(Kenney)

4. HCS for HB 1888, with
SCS

5. HBs 1270 & 2032-Gratz,
with SCS (Westfall)

6. HB 1712-Monaco, et al,
with SCS

7. HS for HB 1994-Hosmer

8. HCS for HB 1443, with
SCS

9. HB 1041-Myers, with
SCS (Foster)

10. HB 1600-Treadway
(Schneider)

11. HB 2008-O'Connor,
with SCS

12. HS for HCS for HB 1532-
Hoppe, with SCS

13. HB 1348-Myers, et al,
with SCS (Foster)

14. HB 1402-Burton, et al,
with SCS

15. HB 2023-Franklin,
with SCA 1 (Foster)

16. HB 1086-Harlan, with
SCS (House)

17. HB 1926-Fraser, et al

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al,

with SCS

SB 713-Singleton

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al,

with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al,

with SCS

SB 1010-Sims

SB 1040-Gibbons, et al,

with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS

SB 1087-Gibbons, et al, with SCS

SB 1099-Childers, with SCS

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1152-Klarich, with SCS,

SS for SCS & SA 2 (pending)

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

HB 2120-Ridgeway and

Hosmer, with SCS

(Gibbons)

HB 1955-Hilgemann, et al,

with SCS (Coleman)

HB 1659-Kelly (27)

(Dougherty)

HB 1537-Clayton, with SCS

(Klarich)

HB 1814-Monaco, et al,

with SCA 1 (Klarich)

HB 1715-Moore, et al

(Klarich)

HB 1768-Hosmer, et al,

with SCA 1 (Klarich)

HB 1895-Carnahan, et al

(Jacob)

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,

with SCS (Mathewson)

HB 1148-Ross (Kenney)

HB 1580-Barnett (Klindt)

HB 1811-Gambaro, with SCS

(Dougherty)

HB 1839-Seigfreid (Mathewson)

HB 1846-Scott, with SCS

(Rohrbach)

HB 1849-Barnitz and

Overschmidt, with SCS

(Steelman)

HB 1861-Burcham (Staples)

HB 1982-Richardson (Foster)

HB 2002-Farnen and Naeger

(Caskey)

HB 2018-Bartle, et al

(Kenney)

HB 2039-Kreider (Stoll)

HB 2064-Walton, et al (Goode)

HB 2130-Boykins, et al

(Coleman)

HB 2047-Ransdall, et al,

with SCS (Mathewson)

HB 2022-Richardson, with

SCS (Stoll)

HB 1973-Bowman (Schneider)

HB 1515-Burton (Bentley)

HB 1477-Farnen, with SCS

(Klindt)

HB 1964-Gambaro, with SCS

(Yeckel)

HB 1635-Hoppe, with SCS

(Wiggins)

HB 2009-O'Connor, with

SCS (Kenney)

HB 1838-Hosmer (Caskey)

HB 1085-Mays (50) (Quick)

HB 1548-Barry, with SCS

(Sims)

HB 1812-Riback Wilson

(Sims)

HB 1781-Green (73) and

Ladd Baker (Russell)

HB 1783-Lowe, et al, with

SCS (Rohrbach)

HB 1636-Hoppe, with SCS

(Wiggins)

HB 1840-Seigfreid (Mathewson)

HB 1032-Portwood (Steelman)

HB 1313-Burton, with SCS

(Foster)

HB 1937-Barry, with SCA 1

(Singleton)

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al

(Foster)

HB 1921-Green (73), with

SCS (Klarich)

HB 2117-Boucher (Caskey)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus

(Yeckel)

HB 1342-Farnen (Yeckel)

(In Budget Control)

HB 1668-Holt, et al

(House)

HB 1822-Walton (Yeckel)

HB 1492-Seigfreid, with

SCS (Mathewson)

HB 1495-Seigfreid, with

SCS (Mathewson)

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al,

with SCS (Foster)

HB 1674-O'Toole and

Dempsey (Stoll)

HB 1890-Hilgemann, et al,

with SCS (Gross)

HB 1518-Luetkenhaus

(Rohrbach)

HB 1568-Luetkenhaus, with

SCS (Rohrbach)

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS (Rohrbach)

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS (House)

HB 1918-Koller, with SCS

(Staples)

HBs 1093, 1094, 1159,
1204, 1242, 1272, 1391,
1397, 1411, 1624,
1632, 1714, 1755, 1778,
1779, 1852, 1862,
2025 & 2123-Relford
and Seigfreid, with SCS

(Mathewson)

HBs 1141, 1400, 1645,
1745 & 2026-Naeger,
with SCS (Yeckel)
HBs 1205, 1214, 1314,
1320, 1504, 1788, 1867
& 1969-Seigfreid and
Relford, with SCS

(Mathewson)

HB 1075-Nordwald (House)

HB 2062-Hosmer, et al
(Westfall)

HB 1789-Ross, et al, with
SCS (Klarich)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,
with HCS

SB 749-Goode, with HCS

SCS for SB 776-House,
with HCS

SB 786-Goode, with HCS

SB 795-Schneider, with HCS

SB 961-Wiggins, et al,
with HCS

SB 1012-Caskey, with HCS

SCS for SBs 1086 & 1126-
DePasco, with HCS

SCS for SB 1113-Caskey,
with HCS

SB 1213-Mathewson, with
HCS

SB 1244-Bland, et al,
with HCS

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1602-Klarich

To be Referred

HCR 4-Boucher

HCR 25-Meredith

SCR 69-Schneider, et al

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11 (House)

SCR 60-Kennedy, with SCS

SCR 64-Caskey

SCR 57-Steelman, with SCS

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIRST DAY--MONDAY, APRIL 29, 2002

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Be merciful to me, O God, be merciful to me, for in you my soul takes refuge; in the shadow of your wings I will take refuge until the destroying storms pass by." (Psalm 57:1)

Merciful Father, we are thankful for Your many blessings and Your watching our "going out and coming in." We pray for Your blessings and comfort to those whose lives have been disrupted by the storms that blew through our state and Midwest the last several days. Heal those who were injured and comfort those who suffered death to loved ones and provide refuge for all who seek it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 25, 2002, was read and approved.

Photographers from KRCG-TV, KCTV-5, Metro Sports, KMBC-TV and KSHB-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1617, regarding WTJR Television, Quincy, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1618, regarding WGCA Radio, Quincy, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1619, regarding KLTE Radio, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1620, regarding KJIR Radio, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1621, regarding KJAB Radio, Mexico, which was adopted.

Senator Caskey offered Senate Resolution No. 1622, regarding the Eightieth Birthday of Lee Fellman, Harrisonville, which was adopted.

Senator Klarich offered Senate Resolution No. 1623, regarding Regis Hillow of Medical Systems, Incorporated, St. Louis, which was adopted.

Senator Klarich offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 1624

WHEREAS, the Missouri Senate strives to effectively advance the interests of all citizens through excellence in tradition, process and administration; and

WHEREAS, the position of Senate Administrator is essential to the efficient and effective operation of the upper chamber of the Missouri General Assembly; and

WHEREAS, Ron Kirchoff, who served the State of Missouri and the Missouri Senate in this capacity for more than 26 years, retired from this position on February 1, 2002; and

WHEREAS, Michael N. Keathley was selected by the Senate Administration Committee to serve as Missouri's Interim Senate Administrator upon the retirement of Ron Kirchoff; and

WHEREAS, Michael N. Keathley has worked to build upon the institutional wisdom and spirit of service of the Missouri Senate by implementing knowledge and skills he acquired in years of managerial experience in the private sector; and

WHEREAS, Michael N. Keathley has engaged in the performance of his duties in an exemplary manner commensurate with the standards of excellence he achieved in the private sector; and

WHEREAS, Administrative demands and responsibilities subject themselves to the Senate irrespective of the time of year or status of legislative activity; and

WHEREAS, continuity in administrative effectiveness is essential to the ability of the Senate to meet the best interests of all Missourians:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninety-first General Assembly, Second Regular Session, that the status of Michael N. Keathley be changed from that of Interim Senate Administrator to the permanent position of Senate Administrator; and

BE IT FURTHER RESOLVED that the Committee on Administration be instructed to implement the provisions and intent of this resolution in accordance with the policies of the Senate Administration Committee and under the Rules of the Missouri Senate.

Senator Klarich moved that **SR 1602** be taken up for adoption, which motion prevailed.

Senator Klarich offered **SS** for **SR 1602**:

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 1602

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, Second Regular Session, that Senate Rule 93 of the temporary rules be amended to read as follows:

"Rule 93. No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for spouses and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. **No person except present and former members of the senate and the house of representatives, present and former governors, present and former secretaries of state, present and former state auditors, present and former state treasurers, present and former judges of the supreme court, courts of appeals or circuit courts, present and former attorneys general, present and former members of congress and present senate, house and legislative research staff shall be admitted to the Pershing and Bingham galleries when the senate is in session, unless upon unanimous consent of the senate.** Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration."

Senator Klarich moved that **SS** for **SR 1602** be adopted.

Senator Mathewson offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 1602, Page 967 of the Senate Journal of Thursday, April 25, 2002, Line 23, by adding after the period "." the following:

"This exception shall not apply to a person registered as a lobbyist with the Missouri Ethics Commission."

Senator Mathewson moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 1** to **SS** for **SR 1602** and was joined in his request by Senators Mathewson, Sims, Singleton and Stoll.

SA 1 was adopted by the following vote:

	YEAS--Senators		
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Goode	House
Jacob	Johnson	Kennedy	Kinder
Mathewson	Rohrbach	Russell	Sims
Staples	Stoll	Westfall	Wiggins
Yeckel--21			
	NAYS--Senators		
Bentley	Gibbons	Gross	Kenney
Klarich	Klindt	Singleton	Steelman--8
	Absent--Senators		
Bland	Quick--2		
	Absent with leave--Senators		
DePasco	Loudon	Schneider--3	

At the request of Senator Klarich, his motion for adoption was withdrawn, which placed the resolution back on the Calendar, with **SS**, as amended (pending).

CONCURRENT RESOLUTIONS

Senator Singleton offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 70

Relating to an increase in the tax upon the sale of cigarettes and upon the sale of tobacco products other than cigarettes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, inappropriate use of tobacco is creating a health care crisis in Missouri due to the fact that it is the number one preventable cause of diseases with an overall health care cost, directly and indirectly, to the citizens of Missouri of approximately \$4 billion; and

WHEREAS, cigarette smoking among adults in Missouri is 5% above the national median with 31.7% of men and 26% of women currently claimed as smokers; and

WHEREAS, the average annual deaths in Missouri related to smoking from 1990 to 1994 were 9,960, making Missouri 14th in smoking-related deaths; and

WHEREAS, the average medical costs related to smoking in Missouri include \$380,820,000 for hospital care, \$318,760,000 for nursing home care, and \$66,410,000 for prescription drugs and an average of 13.6 years of an individual's life are lost due to smoking; and

WHEREAS, 32.8% of Missouri's high school students are already regular smokers, supporting the projection that 119,057 Missouri youth will die prematurely as a result of smoking; and

WHEREAS, a National Cancer Institute Expert Panel reported in 1993 that a substantial increase in tobacco excise taxes may be the single most effective measure for decreasing tobacco consumption; and

WHEREAS, Missouri is ranked 40th in the nation for the amount of excise taxes charged on tobacco sales and in comparing the trends in cigarette prices and overall consumption throughout the nation, there is a strong correlation between increasing prices and decreasing consumption:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby approve a tax in addition to the taxes imposed in sections 149.015 and 149.082, RSMo, upon the sale of cigarettes in the amount of thirty-seven and one-half mills per cigarette and also approve a tax in addition to the taxes imposed in section 149.160, RSMo, upon the sale of each tobacco product other than cigarettes at the rate of ten percent of the manufacturer's invoice price before discounts and deals for tobacco products other than cigarettes; and

BE IT FURTHER RESOLVED that such additional tax revenues shall be credited to a Fund for Lifelong Health for the purpose of funding elderly pharmaceutical assistance programs, for use in comprehensive tobacco cessation, education, treatment programs, core public health funding, including health care and health care services, rural health initiatives, health care practitioner reimbursement, grants for the innovative development of health care delivery, life sciences research, and for Missouri land grant institutions with medical schools for the purpose of discovering, developing, and perfecting new and current technologies in the medical sciences; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Singleton offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 71

Relating to a state employee pay raise.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, state employees did not receive a pay raise in fiscal year 2002 and are not budgeted to receive a pay raise in fiscal year 2003; and

WHEREAS, section 313.820, RSMo, requires excursion boat licensees to pay a \$2.00 admission fee for each person embarking on an excursion gambling boat with a ticket of admission; and

WHEREAS, an increase in the admission fee by \$.50 would adequately fund a pay raise for all state employees:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby approve an increase in the excursion boat admission fee, pursuant to section 313.820, RSMo, in the amount of \$.50 for each person embarking on an excursion gambling boat with a ticket of admission; and

BE IT FURTHER RESOLVED that such additional funds raised by the \$.50 admission fee increase shall be utilized in fiscal year 2004 for a state employee pay raise, and for all fiscal years thereafter, the allocation of the additional funds shall only be utilized for state employee compensation; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

HOUSE BILLS ON THIRD READING

HB 2120, with **SCS**, introduced by Representatives Ridgeway and Hosmer, entitled:

An Act to repeal section 570.020, RSMo, and to enact in lieu thereof one new section relating to the method of ascertaining the value of property.

Was called from the Consent Calendar and taken up by Senator Gibbons.

SCS for **HB 2120**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2120

An Act to repeal section 570.020, RSMo, and to enact in lieu thereof one new section relating to the method of ascertaining the value of property.

Was taken up.

Senator Gibbons moved that **SCS** for **HB 2120** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **HB 2120** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Mathewson
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Quick Stoll--2

Absent with leave--Senators

DePasco Loudon Schneider--3

The President Pro Tem declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1659, introduced by Representative Kelly (27), et al, entitled:

An Act to repeal section 488.005, RSMo, and to enact in lieu thereof one new section relating to surcharges.

Was called from the Consent Calendar and taken up by Senator Dougherty.

On motion of Senator Dougherty, **HB 1659** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Coleman	Johnson	Mathewson--4
Absent with leave--Senators			
DePasco	Schneider--2		

The President Pro Tem declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1537, with **SCS**, introduced by Represen-tative Clayton, entitled:

An Act to repeal section 473.097, RSMo, relating to administration of small estates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

SCS for **HB 1537**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1537

An Act to repeal sections 214.330, 362.011 and 473.097, RSMo, relating to administration of small estates, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS** for **HB 1537** be adopted.

Senator Klarich requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1537, Page 1, In the Title, Line 2, by striking the words "administration of small"; and further amend line 3 of said title, by inserting after the word "estates" the following: "and trusts"; and

Further amend said bill, Page 4, Section 362.011, Line 25, by striking the numeral "362.245" and inserting in lieu thereof the numeral "**362.425**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SCS** for **HB 1537**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **HB 1537**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Johnson	Staples--3
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Absent with leave--Senators

DePasco	Schneider--2
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The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1814, with **SCA 1**, introduced by Representative Monaco, et al, entitled:

An Act to repeal sections 455.027, 455.060, 455.067, 455.075, 455.504 and 455.508, RSMo, and to enact in lieu thereof five new sections relating to orders of protection.

Was called from the Consent Calendar and taken up by Senator Klarich.

Senator Gross assumed the Chair.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, his motion was withdrawn which placed **HB 1814**, with **SCA 1** (pending), back on the Calendar.

HB 1955, with **SCS**, introduced by Representative Hilgemann, et al, entitled:

An Act to repeal section 595.209, RSMo, and to enact in lieu thereof one new section relating to victims' rights.

Was called from the Consent Calendar and taken up by Senator Coleman.

SCS for **HB 1955**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1955

An Act to repeal section 595.209, RSMo, relating to victims' rights, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Coleman moved that **SCS** for **HB 1955** be adopted.

At the request of Senator Coleman, her motion was withdrawn, which placed **HB 1955**, with **SCS** (pending), back on the Calendar.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1711**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 1711**, entitled:

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state school aid, with an emergency clause.

Was taken up by Senator Jacob.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1711, Page 5, Section 163.011, Line 154, by adding the following language:

"163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized

operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution [under] **pursuant to** subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087 of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the costs of adopting and providing a violence prevention program pursuant to section 161.650, RSMo, multiplied by the proration factor; seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-

ordered state desegregation aid received by the district for operating purposes **provided that an increase in the payment amount of line 14(a) shall be made by the department of elementary and secondary education, if needed, to ensure that a district receives no less total revenue from lines 14(a) and 14(b) than the district would receive if it levied an operating levy no greater than two dollars and seventy-five cents per one hundred dollars assessed valuation**; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section. **The line 14 per eligible pupil amount for 1997-98 will be recalculated to exclude the voluntary transfer students originally in the calculation.**

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which **[under] pursuant to** subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid **[under] pursuant to** subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school

year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

1(a). Number of eligible pupils x
(lesser of district's equalized
operating levy for school
purposes or two dollars and
seventy-five cents per one
hundred dollars assessed valuation)
x (proration x GTB per EP) \$. . . .

1(b). Number of eligible pupils x (greater
of: 0, or district's equalized
operating levy for school purposes
minus two dollars and seventy-five cents
per one hundred dollars assessed
valuation) x (proration x GTB
per EP) \$. . . .

Deductions

2. District equalized assessed valuation x
district income factor x district's
equalized operating levy for school

purposes plus ninety percent
of any payment received the current
year of protested taxes due in prior
years no earlier than the 1997 tax
year minus the amount of any protested
taxes due in the current year and for
which notice of protest was received
during the current year \$. . . .

3. Intangible taxes, fines, forfeitures,
escheats, payments in lieu of
taxes, etc. (100% of the amount
received the previous year for school
purposes) \$. . . .

4. Receipts from state assessed railroad
and utility tax (100% of the amount
received the previous year for school
purposes) \$. . . .

5. Receipts from federal properties pursuant
to sections 12.070 and 12.080, RSMo
(100% of the amount received the
previous year for school purposes) \$. . . .

6. (Federal impact aid received the previous
year for school purposes pursuant to
P.L. 81-874 less \$50,000) x 90% or the
maximum percentage allowed by federal
regulations if less than 90% \$. . . .

7. Fifty percent or the percentage otherwise
provided in section 163.087 of Proposition

C receipts from the school district trust
fund received the previous year for
school purposes pursuant to section
163.087 \$. . . .

8. One hundred percent of the amount received
the previous year for school purposes
from the fair share fund pursuant to
section 149.015, RSMo \$. . . .

9. One hundred percent of the amount received
the previous year for school purposes
from the free textbook fund pursuant
to section 148.360, RSMo \$. . . .

10. Total deductions (sum of lines 2-9) \$. . . .

Categorical Add-ons

11. The amount distributed pursuant to
section 163.161 x proration \$. . . .

12. Special education approved or allowed
cost entitlement for the district
pursuant to section 162.975, RSMo,
x proration \$. . . .

13. Seventy-five percent of the gifted
education approved or allowable
cost entitlement as determined
pursuant to section 162.975, RSMo,
x proration \$. . . .

14(a). Free and reduced lunch eligible
pupil count for the district, as
defined in section 163.011, x .20,
if operating levy in excess of \$2.75,

or .22, otherwise x GTB per EP x \$2.75

per \$100 AV x proration \$. . . .

14(b). Free and reduced lunch eligible pupil

count for the district, as defined in

section 163.011 x .30 x GTB x ((the

greater of zero or the district's

adjusted operating levy minus \$2.75

per \$100 AV) x (1.0 or, beginning in

the fifth year following the effective

date of this section, the district's

FIRE for the prior year/statewide average

FIRE for FY 1998, if the district's prior

year FIRE is at least five percent below

the FY 1998 statewide average FIRE) x

proration) - court-ordered state

desegregation aid received by the

district for operating purposes \$. . . .

15. Career ladder entitlement for the district

as provided for in sections 168.500 to

168.515, RSMo, x proration \$. . . .

16. Vocational education entitlements for the

district as provided in section 167.332,

RSMo, x proration \$. . . .

17. Educational and screening program

entitlements for the district as provided

in sections 178.691 to 178.699,

RSMo, x proration \$. . . .

18. Sum of categorical add-ons for the district

(sum of lines 11-17) \$. . . .

19. District apportionment (line 18 plus the greater

of line 1 minus line 10 or zero) \$. . . .

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 1711, Page 2, Section 163.011, Lines 40-42, by striking said lines; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 1711, Page 1, Section A, Line 2, by inserting after all of said line the following:

"160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, RSMo, the following terms mean:

- (1) "District" or "school district", when used alone, may include seven-director, urban, and metropolitan school districts;
- (2) "Elementary school", a public school giving instruction in a grade or grades not higher than the eighth grade;
- (3) **"Family literacy programs", services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:**
 - (a) **Interactive literacy activities between parents and their children;**
 - (b) **Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;**

(c) Parent literacy training that leads to high school completion and/or economic self sufficiency; and

(d) An age-appropriate education to prepare children of all ages for success in school;

[(3)] **(4)** "Graduation rate", the quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year;

[(4)] **(5)** "High school", a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

[(5)] **(6)** "Metropolitan school district", any school district the boundaries of which are coterminous with the limits of any city which is not within a county;

[(6)] **(7)** "Public school" includes all elementary and high schools operated at public expense;

[(7)] **(8)** "School board", the board of education having general control of the property and affairs of any school district;

[(8)] **(9)** "School term", a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031, RSMo, during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. A "school term" may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children;

[(9)] **(10)** "Secretary", the secretary of the board of a school district;

[(10)] **(11)** "Seven-director district", any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

[(11)] **(12)** "Taxpayer", any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

[(12)] **(13)** "Town", any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

[(13)] **(14)** "Urban school district", any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.051. 1. A system of free public schools is established throughout the state for the gratuitous instruction of persons between the ages of five and twenty-one years. Any child whose fifth birthday occurs before the first day of August shall be deemed to have attained the age of five years at the commencement of the school year beginning in that calendar year or at the commencement of the summer school session immediately prior to the school term beginning in the school year beginning in that calendar year, whichever is earlier, for the purpose of apportioning state school funds and for all other purposes.

2. Public schools may establish family literacy programs for children of all ages and their families.

[2.] **3.** The department of elementary and secondary education shall not use school for kindergarten pupils in the summer preceding such pupils' regular fall starting date as an element of the standards of the Missouri school improvement program.

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

2. The assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

5. The score on any assessment test developed pursuant to this section or this chapter of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language.

6. The state board of education shall identify or, if necessary, establish one or more developmentally appropriate alternate assessments for students who receive special educational services, as that term is defined pursuant to section 162.675, RSMo. In the development of such alternate assessments, the state board shall establish an advisory panel consisting of a majority of active special education teachers and other education professionals as appropriate to research available assessment options. The advisory panel shall attempt to identify preexisting developmentally appropriate alternate assessments but shall, if necessary, develop alternate assessments and recommend one or more alternate assessments for adoption by the state board. The state board shall consider the recommendations of the advisory council in establishing such alternate assessment or assessments. Any student who receives special educational services, as that term is defined pursuant to section 162.675, RSMo, shall be assessed by an alternate assessment established pursuant to this subsection upon a determination by the student's individualized education program team that such alternate assessment is more appropriate to assess

the student's knowledge, skills and competencies than the assessment developed pursuant to subsection 1 of this section. The alternative assessment shall evaluate the student's independent living skills, which includes how effectively the student addresses common life demands and how well the student meets standards for personal independence expected for someone in the student's age group, sociocultural background, and community setting.

160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order to be eligible for state aid distributed pursuant to section 163.031, RSMo, a school district shall allocate one percent of moneys received pursuant to section 163.031, RSMo, exclusive of categorical add-ons, to the professional development committee of the district as established in subdivision (1) of subsection 4 of section 168.400, RSMo. Of the moneys allocated to the professional development committee in any fiscal year as specified by this subsection, seventy-five percent of such funds shall be spent in the same fiscal year for purposes determined by the professional development committee after consultation with the administrators of the school district and approved by the local board of education as meeting the objectives of a school improvement plan of the district that has been developed by the local board. Moneys expended for staff training pursuant to any provisions of this act shall not be considered in determining the requirements for school districts imposed by this subsection.

2. Beginning with fiscal year 1994 and for all fiscal years thereafter, ninety percent of one percent of moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, exclusive of categorical add-ons, shall be distributed by the commissioner of education to address statewide areas of critical need for learning and development as determined by rule and regulation of the state board of education with the advice of the commission established by section 160.510 and the advisory council provided by subsection 1 of section 168.015, RSMo. The moneys described in this subsection may be distributed by the commissioner of education to colleges, universities, private associations, professional education associations, statewide associations organized for the benefit of members of boards of education, public elementary and secondary schools, and other associations and organizations that provide professional development opportunities for teachers, administrators, **family literacy personnel** and boards of education for the purpose of addressing statewide areas of critical need, provided that subdivisions (1), [and] (2) and (3) of this subsection shall constitute priority uses for such moneys. "Statewide areas of critical need for learning and development" shall include:

(1) Funding the operation of state management teams in districts with academically deficient schools and providing resources specified by the management team as needed in such districts;

(2) Funding for grants to districts, upon application to the department of elementary and secondary education, for resources identified as necessary by the district, for those districts which are failing to achieve assessment standards;

(3) Funding for family literacy programs;

[(3)] (4) Ensuring that all children, especially children at risk, children with special needs, and gifted students are successful in school;

[(4)] (5) Increasing parental involvement in the education of their children;

[(5)] (6) Providing information which will assist public school administrators and teachers in understanding the process of site-based decision making;

[(6)] (7) Implementing recommended curriculum frameworks as outlined in section 160.514;

[(7)] (8) Training in new assessment techniques for students;

[(8)] (9) Cooperating with law enforcement authorities to expand successful antidrug programs for students;

[(9)] (10) Strengthening existing curricula of local school districts to stress drug and alcohol prevention;

[(10)] (11) Implementing and promoting programs to combat gang activity in urban areas of the state;

[(11)] **(12)** Establishing family schools, whereby such schools adopt proven models of one-stop state services for children and families;

[(12)] **(13)** Expanding adult literacy services; and

[(13)] **(14)** Training of members of boards of education in the areas deemed important for the training of effective board members as determined by the state board of education.

3. Beginning with fiscal year 1994 and for all fiscal years thereafter, ten percent of one percent of moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, exclusive of categorical add-ons, shall be distributed in grant awards by the state board of education, by rule and regulation, for the "Success Leads to Success" grant program, which is hereby created. The purpose of the success leads to success grant program shall be to recognize, disseminate and exchange information about the best professional teaching practices and programs in the state that address student needs, and to encourage the staffs of schools with these practices and programs to develop school-to-school networks to share these practices and programs.

160.531. 1. Beginning with fiscal year 2005 and for all fiscal years thereafter, an amount, as specified in subsection 2 of this section, of the appropriation to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, shall be distributed by the department of elementary and secondary education to establish and fund family literacy programs in school attendance centers declared academically deficient by the state board of education as authorized by section 160.538 or school districts declared unaccredited or provisionally accredited by the state board of education pursuant to section 161.092, RSMo.

2. The amount to be distributed by the department of elementary and secondary education to establish and fund family literacy programs pursuant to subsection 1 of this section shall be the lesser of either:

(1) Five percent of any increase from the total line 14 revenue compared to the total line 14 revenue amount distributed to all school districts in fiscal year 2004; or

(2) One and one-half percent of the total line 14 distribution.

3. The department of elementary and secondary education shall promulgate rules for the distribution of family literacy funds.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

160.720. 1. The department of elementary and secondary education shall identify for recognition by the governor schools demonstrating high student achievement to be designated as performance schools. In addition, the department of elementary and secondary education shall identify those waivers of administrative rule authorized under state law appropriate for the recognized school district or school. The department of elementary and secondary education shall endeavor to identify waivers of administrative rule that result in a meaningful reduction in administrative burden on the districts recognized in this section.

2. The department of elementary and secondary education shall identify priority school districts and priority schools based upon the following criteria:

(1) School attendance centers declared academically deficient by the state board of education as authorized by

section 160.538;

(2) School districts declared unaccredited or provisionally accredited by the state board of education pursuant to section 161.092, RSMo; or

(3) School districts or school attendance centers that do not meet any of the accreditation standards on student performance established by the state board of education based upon the statewide assessment system authorized pursuant to section 160.518.

3. The board of education of any priority school district or priority school shall submit, as a part of a comprehensive school improvement plan, an accountability compliance statement that shall:

(1) Identify and analyze areas of deficiency in student performance by school, grade and academic content area;

(2) Provide a comprehensive strategy for addressing these areas of deficiency;

(3) Assure disclosure of these areas of deficiency in the school accountability report card required pursuant to section 160.522;

(4) Permit a metropolitan district that is implementing a program of academic improvement in a school or schools identified pursuant to a settlement agreement for a desegregation lawsuit to submit the elements of the accountability compliance statement required in subdivisions (1) to (3) of this subsection for review for possible waiver solely in regard to the schools identified for academic improvement pursuant to the settlement agreement; provided, however, that the department of elementary and secondary education shall meet with any district covered by the provisions of this subdivision prior to the district submitting any element of an accountability compliance statement, so that the department may identify elements of the settlement agreement academic improvement plan that are substantially similar to the requirements contained in this section, and the department shall advise such district if, based on its review, any further plan or reporting of such plans or elements is required; and

(5) Require school boards of each district to annually review the school discipline provisions contained in section 160.261, and sections 167.023, 167.026, 167.117, 167.161 to 167.171 and 167.335, RSMo, and ensure that the district's discipline policies are consistent with the above listed sections.

4. The comprehensive strategy for addressing areas of deficiency required pursuant to this section shall address the following areas:

(1) Align curriculum to address areas of deficiency in student achievement;

(2) Develop, for any student who is not receiving special education services under an individualized education plan pursuant to sections 162.670 to 162.699, RSMo, who is performing at a level not determined or at the lowest level of proficiency in any subject area under the statewide assessment established pursuant to section 160.518, an individual performance plan in that subject area which shall:

(a) Be developed by the teacher or teachers in consultation with the child's parents or guardian;

(b) Outline responsibilities for the student, parent or guardian, teachers and administrators in implementing the plan. Such plans shall not require the level of documentation and procedural complexities of an individualized education plan pursuant to sections 162.670 to 162.699, RSMo, but shall contain sufficient detail for all parties to understand their responsibilities in the implementation of the student's performance plan; and

(c) Require those students performing at a level not determined or at the lowest level of proficiency in any subject area under the statewide assessment established pursuant to section 160.518 to be provided with additional instruction time and for students in grade nine to eleven to retake the assessment;

(3) Focus state and local professional development funds on the areas of greatest academic need, including a statement relating to accessing the resources and services of the regional professional development center and support from state professional development funds;

(4) Create programs to improve teacher and administrator effectiveness;

(5) Establish school accountability councils consistent with the procedures stated in subsection 5 of section 160.538 or align any existing parent advisory council with the requirements of subsection 5 of section 160.538;

(6) Develop a resource reallocation plan for the district; and

(7) Consider the need to implement strategies pursuant to this subsection for feeder schools of any priority school.

5. The school district shall include in any program for improvement of teacher and administrator effectiveness in an accountability compliance statement policies that will:

(1) Require school administrators and teachers, including teachers who are provisionally or temporarily certified, to participate in one of the following programs of professional development:

(a) A mentoring program meeting standards established by the state board of education or supervised by an individual previously designated by the department of elementary and secondary education as a regional resource teacher;

(b) Successful completion of a training program for certification as a scorer under the statewide assessment program authorized pursuant to section 160.518; or

(c) Enrollment and making adequate progress towards national board certification;

(2) Provide one additional year of intensive professional development assistance to teachers and administrators who do not complete or make adequate progress in the professional development activities described in subdivision (1) of this subsection;

(3) Exempt from the professional development requirements accountability compliance statement as provided in subdivision (1) of this subsection any individual who:

(a) Holds qualifying scores in the appropriate professional assessment as determined by the state board of education or who elects to take and receive a qualifying score of that assessment;

(b) Holds national board certification;

(c) Is certified as a scorer under the statewide assessment program;

(d) Is designated by the department of elementary and secondary education as a regional resource teacher;

(e) Serves as a mentor teacher for one school year in a program meeting standards adopted by the state board of education; or

(f) Successfully completes an appropriate administrator academy program offered pursuant to section 168.407, RSMo;

6. Any resource reallocation plan shall include at least one of the following elements:

(1) Reduce class size in areas of academic concern;

(2) Establish full-day kindergarten or preschool programs;

- (3) Establish after-school, tutoring and other programs offering extended time for learning;**
- (4) Employ regional resource teachers designated by the department of elementary and secondary education or national board-certified teachers, along with appropriate salary enhancements for such teachers;**
- (5) Establish programs of teacher home visitation to encourage parental support of student learning; and**
- (6) Create "school within a school" programs to achieve smaller learning communities within priority schools.**

7. The state board of education shall establish by administrative rule standards to evaluate accountability compliance statements, based upon the following criteria:

- (1) An accountability compliance statement shall be submitted to the department of elementary and secondary education on or before August fifteenth following any school year in which a school district meets the criteria established under subsection 2 of this section;**
- (2) The department of elementary and secondary education shall review and identify areas of deficiency in the plan within thirty days of receipt; and**
- (3) Changes to the plan shall be forwarded to the department of elementary and secondary education within thirty days of notice to the district of the areas of deficiency.**

8. The department of elementary and secondary education shall withhold funds to be paid to the school district, as authorized in section 163.031, RSMo, until such time as the district submits an accountability compliance statement meeting the standards authorized pursuant to this section within the timelines established herein.

9. The department of elementary and secondary education shall develop within three years of the adoption of this section a program of administrator mentoring focusing on the need of priority schools and priority school districts and meeting standards established by the state board of education.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

161.092. The state board of education shall:

- (1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;**
- (2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;**
- (3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;**
- (4) Cause to be assembled information which will reflect continuously the condition and management of the public schools of the state;**

(5) Require of county clerks or treasurers, boards of education or other school officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of schools and the management thereof that is deemed necessary;

(6) Provide blanks suitable for use by officials in reporting the information required by the board;

(7) When conditions demand, cause the laws relating to schools to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee, certificates of qualification and licenses to teach in any of the public schools of the state, **including provisional certification to a person with more than five years teaching experience in that curriculum area and approximate grade level in another state, and permit full certification upon the satisfactory completion of five years teaching in Missouri public schools**, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071, RSMo;

(9) Classify the public schools of the state, subject to limitations provided by law, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools preparatory to classification;

(10) Make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include: (a) a statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught; (b) a statement of the number of teachers employed, their sex, their professional training, and their average salary; (c) a statement of the receipts and disbursements of public school funds of every description, their sources, and the purposes for which they were disbursed; (d) suggestions for the improvement of public schools; and (e) any other information relative to the educational interests of the state that the law requires or the board deems important;

(11) Make an annual report to the general assembly and the governor concerning coordination with other agencies and departments of government that support family literacy programs and other services which influence educational attainment of children of all ages;

[(11)] **(12)** Require from the chief officer of each division of the department of elementary and secondary education, on or before the thirty-first day of August of each year, reports containing information the board deems important and desires for publication;

[(12)] **(13)** Cause fifty copies of its annual report to be reserved for the use of each division of the state department of elementary and secondary education, and ten copies for preservation in the state library;

[(13)] **(14)** Have other powers and duties prescribed by law."; and

Further amend said bill, Page 5, Section 163.011, Line 154, by inserting after all of said the following:

"166.260. There is hereby created the "Children At-Risk in Education Program" which shall be administered by the commissioner of education. The program shall be funded by moneys provided to school districts pursuant to line 14 of subsection 6 of section 163.031, RSMo, and used solely as determined by local boards of education for: reductions of class size in schools containing high concentrations of children who are least advantaged or who have specially identified educational needs according to rule and regulation of the state board of education; or the following:

(1) The program of half-day instruction for developmentally delayed and at-risk children established pursuant to section 167.260, RSMo;

(2) The program to provide teacher assistants in grades kindergarten through three established pursuant to section 167.263, RSMo;

(3) The program of family literacy for children and families of children at risk of dropping out of school pursuant to sections 160.531, RSMo;

[(3)] **(4)** The program to provide guidance counselors in grades kindergarten through nine established pursuant to section 167.265, RSMo;

[(4)] **(5)** The programs for pupils at risk of becoming high school dropouts established pursuant to section 167.270, RSMo, including specialized courses of instruction, alternative education programs for pregnant teens and teen mothers and supplemental services for teen mothers;

[(5)] **(6)** The program of support services to pupils identified as having a high risk of dropping out of school established pursuant to section 167.280, RSMo;

[(6)] **(7)** The program of professional development committees for in-service training on teaching children identified as at risk of failing in school pursuant to section 168.400, RSMo;

[(7)] **(8)** A program to contract for mental health services to meet the needs of children who are identified as being at risk of failing school as a result of emotional or environmental factors. Eligible contractors shall be approved by the department of mental health;

[(8)] **(9)** The program of special education and other special services for at-risk and handicapped children in grades kindergarten through third grade emphasizing prevention and early intervention, rather than remediation, known as the "Success for All Program";

[(9)] **(10)** Paying for building site operating costs in the proportion that the free and reduced-price meal eligible student count is to the total enrollment in that building; and

[(10)] **(11)** Other programs as approved by the commissioner of education that are exclusively targeted to provide educational services for students who are least advantaged or who have specially identified educational needs.

168.400. 1. Sections 168.400 to 168.415 shall be known and may be cited as the "Missouri Professional Teacher and Administrator Act". This section shall become effective September 1, 1988, and shall establish programs for the following public school personnel:

- (1) The preservice teacher or student in training;
- (2) The beginning teacher;
- (3) The practicing teacher; and
- (4) The administrator.

2. Preservice teacher programs established under this section shall include, but need not be limited to, the following provisions:

- (1) A program of entry-level testing of all prospective teacher education students shall be established at all colleges and universities offering approved teacher education programs and, with the advice of the advisory council as provided in section 168.015, shall be administered by the commissioner of education, who shall cause the department of elementary and secondary education to develop or select such tests to establish abilities necessary to receive a satisfactory rating, and to establish procedures for the administering of the test;
- (2) The entry-level tests developed under this subsection shall include, but need not be limited to, an examination of basic oral and written communication skills and of basic mathematics skills, and may include both oral and written examinations;

(3) Each prospective teacher education student shall be required to obtain a satisfactory rating prior to admission into the approved teacher education program;

(4) The department of elementary and secondary education, with the advice of the advisory council as provided in section 168.015, shall establish and monitor exit requirements from approved teacher education programs which shall be met by all preservice teacher education students seeking certification in Missouri, and specific criteria for a preservice teacher assessment that all candidates for certification shall meet. The preservice teacher assessment established under this subdivision shall include, but need not be limited to, classroom achievement, practice teaching evaluation and observation, successful participation in assessment centers, interviews, tests and other evaluation measures. **The department of elementary and secondary education shall promulgate rules to allow all preservice teacher education students who have been employed for at least two years as teacher assistants to utilize their teacher assistant experience to bypass the practice teaching evaluation and observation process. These rules shall allow the certified teacher working with the teacher assistant to observe and evaluate the teacher assistants practice teaching. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.** The preservice teacher assessment shall be reviewed by the certifying authority prior to issuance of a certificate. An unsatisfactory assessment shall result in the nonissuance of a certificate. Persons who are aggrieved by the nonissuance of a certificate may appeal such nonissuance in the manner provided in section 168.071. Any costs associated with the entry-level tests or the exit requirements established under this subsection shall be borne by each institution and costs defrayal included in the incidental fees charged to the student.

3. Each approved teacher education program shall require the faculty teaching preservice teacher education courses to further their professional development through direct personal involvement in the public schools in grades kindergarten through twelve on a periodic basis. As used in this subsection, the term "faculty" shall include, but need not be limited to, full- and part-time classroom instructors, and supervisors of practice teaching at institutions offering an approved teacher education program.

4. Beginning teacher assistance programs established under this section shall include, but need not be limited to, the following provisions:

(1) Such programs shall require each school district to provide a plan of professional development for the first two years of teaching for any teacher who does not have prior teaching experience. The professional development plan shall include assistance from a professional development committee, which is hereby established in each school district, which committee shall work with beginning teachers and experienced teachers in identifying instructional concerns and remedies; serve as a confidential consultant upon a teacher's request; assess faculty needs and develop in-service opportunities for school staff; and present to the proper authority faculty suggestions, ideas and recommendations pertaining to classroom instruction within the school district. The members of each professional development committee shall be selected by the teachers employed by the school district in question. The professional development plan may include guidance from a district-designated faculty member employed at a grade level comparable to the instructional grade level of the beginning teacher, and such other forms of assistance which the school district may choose to offer. The professional development committee may apply to the state board of education for a grant, which shall be in addition to any state aid provided to the committee for activities identified in this subdivision. The grant thus awarded shall be used by the committee to provide in-service training to the teachers of the district on teaching children identified as at risk of failing in school as defined in section 167.273. The department of elementary and secondary education shall provide resource materials and assist the committee if such assistance is requested;

(2) Such programs shall include assistance from the teacher education program which provided the teacher's training if such training was provided in a Missouri college or university. Such assistance from the college or university may include retraining, internships, counseling, and in-service training.

5. The practicing teacher assistance programs established under this section shall include, but need not be limited to, programs of professional development and improvement as provided for experienced teachers by the professional development committee established under subsection 4 of this section, and in-service opportunities as provided by the local school district for all practicing teachers.

6. (1) The administrator assistance programs established under this section shall include, but shall not be limited to, programs of professional development and improvement for superintendents, principals, assistant principals, and other school district personnel charged with administrative duties.

(2) Establishment of programs by local districts and organizations for the training of school board members are encouraged and recommended.

170.014. 1. This section shall be known as the "Reading Instruction Act" and is enacted to ensure that all public schools establish reading programs based in scientific research and offer explicit systematic phonics instruction in grades kindergarten through three as a significant component of a program of balanced reading instruction and that all new teachers who teach reading in grades kindergarten through three receive adequate training in the teaching of explicit systematic phonics.

2. As used in this section, "explicit systematic phonics", means the methodology of pronouncing and reading words by learning the phonetic sound association of individual letters, letter groups and syllables and the principles governing these associations. Reading instruction using implied recognition of words or partial words through the use of pictures or other references other than explicit pronunciation of phonetic letter combinations shall not be admitted as a substitute in compliance with this provisions.

3. Explicit systematic phonics instruction shall be offered in every public school in the state in grades kindergarten through three as a significant component of a program of balanced reading instruction. Nothing in this section shall be construed to allow for implicit phonics methodology as a substitute for the teaching of explicit systematic phonics as defined by this section.

4. On and after July 1, 2005, no teacher shall be certified to teach reading in the public schools of this state in grades kindergarten through three, either as a reading specialist or as a classroom teacher, unless the teacher has successfully completed instruction in explicit systematic phonics at the university or college level."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered SA 4:

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bill No. 1711, Page 5, Section 163.011, Line 154, by inserting after all of said line the following:

"171.053. 1. The general assembly hereby finds and declares that:

(1) The Future Farmers of America (FFA), Future Homemakers of America (FHA/HERO), Family, Career and Community Leaders of America (FCCLA) and 4-H programs in the state and the organized competitions held as a part of the Missouri state fair involve an education and learning process that is not otherwise available in the regular curriculum of secondary education in Missouri;

(2) The principles and practices learned by school students in such programs are highly beneficial to students;

(3) Participation in such programs should be encouraged; and

(4) One method of encouraging participation in such programs is to allow such participation to be counted as school attendance for the purpose of determining state school aid.

2. It is the purpose and intent of this section to assure that participation of students in sanctioned activities of such programs be allowed to such extent as may be determined appropriate by the school boards of the various school districts.

3. A school board shall allow, pursuant to its written policy and with the approval of the responsible sponsoring school employee, any student enrolled in the district to use such regularly scheduled instructional time as is reasonably necessary for such student to participate in an officially-sanctioned activity of any such program; provided, if the program is not a part of the Missouri state fair or 4-H, that such program has a local chapter which is officially recognized by the student's school.

4. For the purpose of distributing state school aid pursuant to section 163.031, RSMo, a student who is participating in an officially-sanctioned activity of any such program, as provided pursuant to subsection 3 of this section, shall be considered to be attending regularly scheduled instruction in the district and such hours of participation occurring during the regular school day shall be included in the district's calculation of average daily attendance, as defined in section 163.011, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Committee Substitute for House Bill No. 1711, Page 5, Section 163.011, Line 154, by inserting after all of said line the following:

"163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater. Except as otherwise provided in subsection 3 of this section, any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. (1) For any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calendar for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board requesting that the deductions be made pursuant to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision (2) of this subsection.

(2) For deductions made pursuant to this subdivision, interest at the rate of six percent shall be charged on the excess

and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months.

4. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

5. For the purposes of distribution of state school aid pursuant to section 163.031, a school district with ten percent or more of its assessed valuation owned by one person or corporation as commercial and/or personal property and this person or corporation is delinquent in its property tax payment, may elect, after receiving notice from the county clerk on or before March fifteenth, except in the year enacted, that more than ten percent of its current taxes due the preceding December thirty-first by a single property owner are delinquent, to use on line 2 of the state aid formula the district's equalized assessed valuation for the preceding year or the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent, a district must notify the department of elementary and secondary education on or before April first, except in the year enacted, of the current year amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes are owed and the total assessed valuation of the district for the year in which the taxes were due but not paid. Any district giving such notice to the department of elementary and secondary education shall present verification of the accuracy of such notice obtained from the clerk of the county levying delinquent taxes. When any of the delinquent taxes identified by such notice are paid during a four year period following the due date the county clerk shall give notice to the district and the department of elementary and secondary education and state aid paid to the district shall be reduced by an amount equal to the delinquent taxes received plus interest. The reduction in state aid shall occur over a period not to exceed five years and the interest rate on excess state aid not refunded shall be six percent annually.

6. If a district receives state aid based on equalized assessed valuation as determined by subsection 5 of this section and if prior to such notice the district was paid state aid pursuant to subdivision (2) of subsection 5 of section 163.031, the amount of state aid paid during the year of such notice and the first year following shall equal the sum of state aid paid pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 plus the difference between the state aid amount being paid after such notice minus the amount of state aid the district would have received pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 before such notice. To be eligible to receive state aid based on this provision the district must levy during the first year following such notice at least the maximum levy permitted school districts by article X, section 11(b) of the Missouri Constitution and have a voluntary rollback of its tax rate which is no greater than one cent per one hundred dollars assessed valuation." ; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Committee Substitute for House Bill No. 1711, Page 1, Section A, Line 2, by inserting immediately

after said line the following:

"82.293. Absent explicit statutory authority, no such city shall enact any ordinance, regulation or resolution that would impose a surcharge or other fee to compensate any political subdivision organized pursuant to chapter 162, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend House Committee Substitute for House Bill No. 1711, Page 6, Section 163.011, Line 6, by adding:

"Section C. Notwithstanding any other provisions of law, the provisions of this Act will be null and void July 1, 2004.".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Caskey offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend House Committee Substitute for House Bill No. 1711, Page 1, Section A, Line 2, by inserting after all of said line the following:

"108.140. 1. The various counties in this state for themselves, as well as for and on behalf of any township, or other political subdivision for which the counties may have issued any general obligation bonds, and the several cities, school districts or other political corporations or subdivisions of the state, are hereby authorized to refund, extend, and unify the whole or part of their valid general obligation bonded indebtedness, or judgment indebtedness, and for such purpose may issue, negotiate, sell and deliver refunding general obligation bonds and with the proceeds therefrom **pay costs and expenses related to issuing such refunding general obligation bonds and** pay off, redeem and cancel the bonds to be refunded in advance of their maturity or redemption or as the same mature or are called for redemption, or pay and cancel such judgment indebtedness, or such refunding general obligation bonds may be issued and delivered in exchange for and upon surrender and cancellation of the bonds refunded thereby, or such judgment indebtedness. In no case shall the refunding general obligation bonds exceed the amount of the principal of the outstanding bond or judgment indebtedness to be refunded and the interest accrued thereon to the date of such refunding bonds. No refunding bond issued as provided in this subsection shall be payable in more than twenty years from the date thereof and such refunding bonds shall bear interest not to exceed the same rate as the bonds refunded, or judgment indebtedness; provided, that nothing in this section shall be so construed as to prohibit any county, city, school district, or other political corporation or subdivision of the state from refunding its general obligation bonded indebtedness without the submission of the question to a popular vote.

2. The various counties in this state for themselves, as well as for and on behalf of any township, or other political subdivision for which the counties may have issued any revenue bonds, notes or other obligations, and the several cities, school districts or other political corporations or subdivisions of the state, are hereby authorized to refund, extend, and unify the whole or part of their valid outstanding revenue bonds, notes or other obligations, and for such purpose may issue, negotiate, sell and deliver refunding revenue bonds, notes or other obligations and with the proceeds therefrom pay off, redeem and cancel the obligations to be refunded in advance of their maturity or redemption or as the same mature or are called for redemption, or such refunding revenue bonds, notes or other obligations may be issued and delivered in exchange for and upon surrender and cancellation of the obligations

refunded thereby. In no case shall the refunding revenue bonds, notes or other obligations exceed the amount determined by the governing body of the issuing political corporation or subdivision to be necessary to pay or provide for the payment of the principal of the outstanding obligations to be refunded, together with the interest accrued thereon to the date of such refunding obligations and the interest to accrue thereon to the date of maturity or redemption of such obligations to be refunded and any premium which may be due under the terms of such obligations to be refunded and any amounts necessary for the payment of costs and expenses related to issuing such refunding obligations and to fund a debt service reserve fund for the obligations. All such refunding revenue bonds, notes or other obligations shall bear interest at such rates as the governing body of the issuing political subdivision shall provide, which rates of interest may exceed the rates of interest on the obligations being refunded but shall not exceed the maximum legal rate established by section 108.170. The refunding revenue bonds, notes or other obligations may be payable from the same sources as were pledged to the payment of the obligations refunded and, in the discretion of the governing body of the issuing political subdivision, may be payable from any other source which may be pledged to the payment of revenue bonds, notes or other obligations under any provision of law relating to the issuance of the obligations refunded. Nothing in this section shall be so construed as to prohibit any county, city, school district, or other political corporation or subdivision of the state from refunding its revenue bonded indebtedness without the submission of the question to a popular vote."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend House Committee Substitute for House Bill No. 1711, Page 1, Section A, Line 2, by inserting after all of said line the following:

"160.400. 1. A charter school is an independent, publicly supported school.

2. Except as otherwise provided in this section, charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants **or any school district containing territory formerly contained in any school district in which charter schools were authorized to be established pursuant to this section** and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district **or in a county containing all or a portion of the district** or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; [or]

(3) A community college located in the district; **or**

(4) Any campus of the state university system located in a county of the third classification.

3. A maximum of [five] **ten** percent of the school buildings [currently in use] **used for public school** instructional purposes in a district **during the preceding school year may, at the discretion of the local school board,** be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes. **An urban school district which leases vacant building space to charter schools shall lease all such vacant building space to charter schools on substantially equivalent terms and for substantially equivalent compensation. An urban school district shall negotiate, in good faith, a fair market price for any property that is vacant and make it available for lease to any charter school located within said district. Nothing in this subsection shall be construed to affect any contract in force and effect on or prior to January 1, 2002.**

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.
5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.
6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.
7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.
8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.
9. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.
- 10. No sponsor shall grant a charter pursuant to sections 160.400 to 160.420 without ensuring that a criminal background check through the Missouri state highway patrol's criminal record check system pursuant to section 43.540, RSMo, and a child abuse registry check pursuant to sections 210.109 and 210.110, RSMo, are conducted for all members of the board of directors of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring that a criminal background check through the Missouri state highway patrol's criminal record check system and child abuse registry check are conducted for each member of the board of directors of the charter school.**
- 11. No member of the board of directors of a charter school shall hold any office or employment from the board or the charter school while a member of the board nor have any substantial interest, as defined pursuant to section 105.450, RSMo, in any entity employed by or contracting with the board.**
- 12. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in compliance with all requirements of sections 160.400 to 160.420. Any sponsor found to have violated a material provision of sections 160.400 to 160.420 may, for the first violation and shall, for all subsequent violations, have its authority to approve new charters suspended pursuant to rule of the state board of education for a period of up to four years.**

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. **A separate charter must be obtained for each school that a sponsor seeks to establish. The proposed charter shall specify a proposed starting date which shall be no earlier than eleven months following the date the proposed charter is submitted.** If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located **and the state board of education, [when] within five business days of the date** the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be

responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; and
- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school.

2. Proposed charters shall be subject to the following requirements:

(1) A charter application shall be provided to a proposed sponsor at least eleven months prior to the proposed starting date for the charter school to begin operation. Within five business days of receipt of the application, the proposed sponsor shall forward a copy of the charter application to the state board of education and to the school board of the district if the proposed sponsor is not a school board;

(2) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of approval or denial shall be made within [sixty] ninety days of the filing of the proposed charter;

[(2)] (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

[(3)] (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter and shall notify the applicant in writing as to the reasons for its denial, if applicable; [and]

[(4)] (5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, is eligible for free or reduced price school lunch, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, it shall be submitted to the state board of education which may, within [forty-

five] **sixty** days, disapprove the granting of the charter. The state board of education may disapprove a charter only on grounds that the application fails to meet the requirements of sections 160.400 to 160.420.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state relating to health, safety, and minimum educational standards;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, **publish audit reports and annual financial reports as provided pursuant to chapter 165, RSMo. The annual financial report may be published via the Internet on the secretary of state's website in addition to other publishing requirements;** [and]

(5) Provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

[(5)] (6) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

[(6)] (7) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, [participate in] **employ** the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, **which shall also include a statement that background checks have been completed on the charter school's board members**, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program. Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

[(7)] (8) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(9) Provide, in a timely fashion, all information necessary to confirm on-going compliance with all provisions of the charter and sections 160.400 to 160.420.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set

forth in its charter, failure to meet generally accepted standards of fiscal management, **failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 within forty-five days following receipt of written notice requesting such information** or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, after which, if such plan is unsuccessful, the charter may be revoked. **The sponsor may require the remedial plan to provide for a change in methodology or leadership, or both.**

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's board of directors may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

8. A sponsor shall take all reasonable steps necessary to confirm each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420.

9. A school district may enter into a lease with a charter school for physical facilities. [A charter school may not be located on the property of a school district unless the district governing board agrees.]

[9.] **10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.**

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The board of directors of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided pursuant to sections 557.700 to 557.755, RSMo.

160.410. 1. A charter school shall enroll all pupils resident in the district in which it operates or eligible to attend a district's school under an urban voluntary transfer program who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school.

2. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level,

proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. **A charter school's admission, recruitment and enrollment policies, curriculum and instructional methods may not result in the establishment of racially or socioeconomically isolated schools.**

3. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

4. A charter school shall make available for public inspection, free of charge, and provide upon request, to the parent, guardian or other custodian of any school-age pupil resident in the district in which the school is located, the following information:

- (1) The school's charter; and**
- (2) The school's most recent annual report card published pursuant to section 160.522; and**
- (3) The results of background checks to screen candidates seeking or renewing an appointment to the board of directors of a charter school.**

The charter school may charge reasonable fees for furnishing copies of documents pursuant to this subsection."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 9** is out of order as the amendment goes beyond the scope, intent and purpose of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend House Committee Substitute for House Bill No. 1711, Page 5, Section 163.011, Line 154, by inserting after all of said line the following:

"Section 1. In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of section 137.073, RSMo, as if its tax rate were at the tax rate ceiling."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Westfall assumed the Chair.

Senator Rohrbach offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend House Committee Substitute for House Bill No. 1711, Page 3, Section 163.011, Line 53, by adding immediately preceding the ";" on said line the following: "with the second count of summer school average daily attendance not to exceed three percent of the school term average daily attendance".

Senator Rohrbach moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 11** and was joined in his request by Senators Childers, House, Klarich and Mathewson.

SA 11 was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Foster	Goode
Jacob	Johnson	Kennedy	Kinder
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Stoll	Westfall	Wiggins--20
NAYS--Senators			
Bland	Cauthorn	Childers	Dougherty
Gibbons	Gross	House	Klarich
Steelman	Yeckel--10		
Absent--Senators			
Coleman	Kenney	Staples--3	
Absent with leave--Senator DePasco--1			

On motion of Senator Jacob, **HCS** for **HB 1711**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Singleton	Steelman--2		
Absent--Senators			
Coleman	Staples--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Steelman--1		
	Absent--Senators		
Coleman	Staples--2		
	Absent with leave--Senator DePasco--1		

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Klarich moved that **SB 1152**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Caskey, the above amendment was withdrawn.

SS for **SCS** for **SB 1152** was again taken up.

At the request of Senator Klarich, the above substitute was withdrawn.

Senator Klarich offered **SS No. 2** for **SCS** for **SB 1152**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1152

An Act to repeal sections 27.060, 43.540, 50.333, 57.290, 59.042, 67.133, 143.782, 287.210, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 430.225, 454.505, 455.027, 455.060, 455.067, 455.075, 455.504, 455.508, 476.058, 476.270, 476.320, 476.340, 476.385, 478.725, 483.245, 484.020, 488.005, 488.012, 488.015, 488.020, 488.610, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.141, 517.151, 537.684, 577.051, 589.410 and 595.045, RSMo, relating to judicial and administrative procedure and practice, and to enact in lieu thereof fifty-four new sections relating to the same subject, with penalty provisions.

Senator Klarich moved that **SS No. 2** for **SCS** for **SB 1152** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 89, Section 595.045, Line 29, by inserting after all of said line the following:

"610.040. 1. As used in this section, the following terms shall mean:

- (1) "Party", a party of record in a product liability action;**
- (2) "Product liability action", an action or claim for damages for personal injury, wrongful death, or property damage caused by a product, that is an alleged hazard to the public and that presents an alleged risk of similar injury to other members of the public;**
- (3) "Records", all information acquired through the process of discovery pursuant to the Missouri Rules of Civil Procedure concerning the defective product, and all settlement documents, releases and other documents terminating the litigation filed with the court or maintained by the parties.**

2. This section shall apply exclusively to product liability actions.

3. Records filed with the courts of this state in product liability actions or records produced or maintained by the parties in such actions shall be open and available for inspection, copying or viewing by the public, with the exception of those records which a court of competent jurisdiction orders sealed pursuant to subsection 3, 4 or 5 of this section. Access to records of the courts of this state shall be governed by the provisions of this chapter. The clerk of the court shall maintain sealed records in a restricted area apart from the case file to which the public has access. Unless the docket in the product liability action reflects prior entry of an order to file under seal or the party offering a record presents the clerk with an order of the court authorizing a filing under seal, all records received in the office of the clerk shall be filed in the public record of a product liability action.

4. Only upon written motion filed by any party may a court order that a record filed or to be filed, or produced or to be produced, in a product liability action be received and maintained by the court clerk or the requesting party under seal until such time as the court orders the record to be opened. The court may only seal a record, whether before or after such record is filed or produced, if the court determines that good cause exists based upon a showing that the request is narrowly tailored and that no less restrictive means exist to protect disclosure of prejudicial or confidential information and that:

- (1) The information requested to be sealed is determined by the court to be a trade secret or other confidential research, development, or commercial information; and**
- (2) Public disclosure of the record or proceeding would subject any party to undue harassment, embarrassment, annoyance, humiliation, oppression, burden or expense; and**
- (3) An interest exists which substantially outweighs the right of public access to the information contained in the record and the overriding interest will be imminently compromised if the record is not sealed.**

5. Upon written motion filed by any party, the court may order that any final settlement filed in a product liability action be received and maintained by the court clerk under seal until such time as the court orders the record to be opened.

6. Unless the information is sealed by the court pursuant to subsection 4 of this section, any portion of an agreement or contract in a product liability action that restricts a party from disclosing information relating to the defective product to a governmental agency with enforcement authority over the defective product is void, contrary to public policy and shall not be enforced.

7. If any sealed records are relevant to any other proceedings in another court of competent jurisdiction, or such sealed records may be reasonably calculated to lead to discovery of relevant matters in such other

proceeding, the court with jurisdiction of such other proceeding shall order that such sealed records be made available to the party seeking the same, and may make such further orders as are appropriate under the circumstances regarding any further disclosure of such information."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bentley, Childers, Klarich and Russell.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Dougherty	Goode	House
Jacob	Kennedy	Mathewson	Schneider
Steelman	Stoll	Yeckel--11	
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Westfall
Wiggins--21			
Absent--Senator Coleman--1			
Absent with leave--Senator DePasco--1			

Senator Bentley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 79, Section 537.684, Line 22 of said page, by inserting after all of said line the following:

"565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 89, Section 595.045, Line 29 of said page, by inserting after all of said line the following:

"610.106. [Any person as to whom imposition of sentence was suspended prior to September 28, 1981, may make a motion to the court in which the action was prosecuted after his discharge from the court's jurisdiction for closure of official records pertaining to the case. If the prosecuting authority opposes the motion, an informal hearing shall be held in which technical rules of evidence shall not apply. Having regard to the nature and circumstances of the offense and the history and character of the defendant and upon a finding that the ends of justice are so served, the court may order official records pertaining to the case to be closed, except as provided in section 610.120.] **1. In the event a person is charged with a criminal offense and subsequently enters a guilty plea or is found guilty and imposition of sentence is suspended in the case for a period of time while the person is on court-ordered probation:**

- (1) The official records of the case shall remain open until such time as the court-ordered probation is successfully completed;**
- (2) Upon successful completion of the court-ordered probation, the records of the case shall be sealed and closed for all purposes, notwithstanding any provision of the law or court order to the contrary; and**
- (3) Upon successful completion of the court-ordered probation, the person shall not thereafter be impeached by his or her arrest, charges, conviction or guilty plea in the case.**

2. Records required to be sealed and closed pursuant to this section shall be inaccessible to all persons other than the defendant, notwithstanding any provision of law to the contrary.

3. Nothing in this section shall be construed, interpreted or applied to deny or abridge any person's constitutional or statutory protection against double jeopardy.

4. The provisions of subsections 1, 2 and 3 of this section shall apply to all cases terminating prior to, on, or after the effective date of this section, except no case which terminated before the effective date of this section shall be re-opened because of any provision of this section.

610.110. No person as to whom such records have become **sealed or** closed [records] **pursuant to section 610.105 or 610.106** shall thereafter, under any provision of law, be held to be guilty of perjury or otherwise of giving a false statement by reason of his **or her** failure to recite [or], acknowledge [such arrest or trial], **admit or confess any aspect of any such arrest or any such case** in response to any inquiry made of him **or her** for any purpose[, except as provided in section 491.050, RSMo, and section 610.120]."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Gross raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Schneider offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 2, Section 610.106, Line 8, by adding: "except that a guilty plea entered in an alcohol related case may be plead for the purpose of enhancement of the sanction in accordance with the statutes provided.".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Jacob moved that the above amendment, as amended, be adopted, which motion prevailed.

Senator Loudon offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 89, Section 595.045, Line 29, by inserting after all of said line the following:

"610.120. 1. Records required to be closed **or sealed** shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507, RSMo. They shall be available to the sentencing advisory commission created in section 558.019, RSMo, for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies, department of revenue for driving record purposes, facilities as defined in section 198.006, RSMo, in-home services provider agencies as defined in section 660.250, RSMo, the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, RSMo, and federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed **or sealed** such records to certain agencies or for certain purposes. All records which are closed **or sealed** records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

2. As used in this section, the term "child care" includes providers and youth services agencies as those terms are defined in section 43.540, RSMo, elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

610.122. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503, RSMo, may be expunged if the court determines that:

(1) The arrest was based on false information and the following conditions exist:

[(1)] (a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

[(2)] (b) No charges will be pursued as a result of the arrest;

[(3)] (c) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions **or suspended impositions of sentence and there are no pending criminal investigations regarding the arrest;**

[(4)] (d) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; and

[(5)] (e) No civil action is pending relating to the arrest or the records sought to be expunged; **or**

(2) **No criminal charges have been filed against the subject of the arrest within ten years from the date of such arrest.**

610.130. Sections 610.130 to 610.140 may be cited as the "Missouri Rehabilitation and Sealed Records Act".

610.132. For the purposes of sections 610.130 to 610.140, the following terms mean:

(1) "Sex-related offense", any crime defined in chapter 566, RSMo, section 568.020, RSMo, subdivision (2) of subsection 1 of section 568.045, RSMo, subdivision (2) of subsection 1 of section 568.060, RSMo, section 568.080, RSMo, or section 568.090, RSMo; and

(2) "Violent felony", any crime punishable as a class A felony, any intentional act punishable as a class B felony, or any crime in which a deadly weapon, as defined in section 556.061, RSMo, was used or displayed.

610.134. A person who has pled guilty to or been found guilty of no more than one felony nor more than two misdemeanors may petition the circuit court to have such person's record, including juvenile records, sealed, if the person:

(1) Has not pled guilty to or been found guilty of a misdemeanor or pled guilty to or been found guilty of a felony for at least ten consecutive years, after being discharged from probation or released from incarceration;

(2) Is not currently on probation or parole;

(3) Has not pled guilty to or been found guilty of a violent felony;

(4) Has not pled guilty to or been found guilty of a sex-related offense;

(5) Has not pled guilty to or been found guilty of any offense of distributing a controlled substance as described in chapter 195, RSMo, and punishable as a class A or B felony;

(6) Has not previously petitioned to have such person's records sealed pursuant to the provisions of sections 610.130 to 610.140;

(7) Has not been convicted, as that term is defined in section 302.700, RSMo, for the operation of a commercial motor vehicle, as defined in section 302.700, RSMo, with a blood alcohol content of at least four-hundredths of one percent; and

(8) Is at least twenty-five years of age.

610.136. If the court finds that a person has met the requirements of section 610.134, the court may in the court's discretion after considering the totality of the circumstances set aside all verdicts or findings of guilty and allow the petitioner to withdraw all pleas of guilty and may dismiss with prejudice all cases against the petitioner, and may order all criminal and juvenile records of the petitioner to be sealed. Notwithstanding any other provision of law to the contrary, such petitioners waive all rights of being employed by any Missouri-licensed gambling operation. If the petitioner is arrested for committing any crime, other than minor traffic offenses, during the pendency of the action filed pursuant to the provisions of sections 610.130 to 610.140, the court shall stay such action until the resolution of any indictment or information filed pursuant to such arrest.

610.138. 1. A person who knowingly fails to seal, or knowingly releases records or information which have been ordered sealed pursuant to sections 610.130 to 610.140, is guilty of a class B misdemeanor.

2. A person who uses records or information for financial gain, knowing that such records or information have been ordered sealed pursuant to sections 610.130 to 610.140, is guilty of a class D felony.

610.140. 1. The sealing of any record pursuant to the provisions of sections 610.130 to 610.140 shall not reflect on the validity of the arrest or conviction and shall not be construed to indicate a lack of probable cause for the arrest.

2. The petitioner shall not bring any action subsequent to the sealing against any law enforcement officer or law

enforcement agency relating to the arrest or conviction described in the sealed records.

3. Neither the public nor law enforcement agencies shall have access to records sealed pursuant to sections 610.130 to 610.140."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 12, Section 59.040, Line 25, by inserting immediately after said line the following:

"59.041. [1.] Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county which becomes a county of the second class after September 28, 1987, and wherein the offices of circuit clerk and recorder of deeds are combined, such combination shall continue until the governing body of the county authorizes the separation of the offices as provided in section 59.042.

[2. Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county of the third classification without a township form of government and having a population of more than twenty-seven thousand six hundred but less than twenty-eight thousand six hundred and wherein the offices of the district I circuit clerk and recorder of deeds are combined, the circuit court shall appoint such circuit clerk ex officio recorder of deeds. The circuit court may recommend to the governing body of such county whether the combined offices of the district I circuit clerk and recorder of deeds should be separated pursuant to subsection 1 of section 59.042; provided however, that if the governing body of such county authorizes the separation of offices and notwithstanding the provisions of subsection 2 of section 59.042, the office of district I clerk of the circuit court shall remain appointed by the circuit court.]"

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 5, Section 43.540, Line 7 of said page, by inserting after all of said line the following:

"49.272. 1. The county commission of any county of the first classification which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances."; and

Further amend said bill, Page 12, Section 50.333, Line 1 of said page by inserting after all of said line the following:

"56.640. 1. If a county counselor is appointed, he and his assistants under his direction shall represent the county and all departments, officers, institutions and agencies thereof, except as otherwise provided by law and shall upon request of any county department, officer, institution or agency for which legal counsel is otherwise provided by law, and upon

the approval of the county commission, represent such department, officer, institution or agency. He shall commence, prosecute or defend, as the case may require, and exercise exclusive authority in all civil suits or actions in which the county or any county officer, commission or agency is a party, in his or its official capacity, he shall draw all contracts relating to the business of the county, he shall represent the county generally in all matters of civil law, and he shall upon request furnish written opinions to any county officer or department.

2. In all cases in which a civil fine may be imposed pursuant to section 49.272, RSMo, it shall be the duty of the county counselor, rather than the county prosecuting attorney, to prosecute such violations in the associate division of the circuit court in the county where the violation occurred.

3. Notwithstanding any law to the contrary, the county counselor in any county of the first classification and the prosecuting attorney of such county may by mutual cooperation agreement prosecute or defend any civil action which the prosecuting attorney or county counselor of the county is authorized or required by law to prosecute or defend." ; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 75, Section 517.151, by inserting after all of said section the following:

"537.617. 1. The state of Missouri hereby grants limited consent to be sued under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., in the state courts of Missouri. The state of Missouri does not consent to be sued under the Americans with Disabilities Act in federal courts.

2. The consent granted in subsection 1 of this section is for a maximum monetary award in the amounts described in section 537.610. No state court shall enter a judgment for an amount in excess of the monetary limits in section 537.610. Such monetary limits shall apply regardless of whether the state has insurance for defense of the claim. The amount may include attorneys' fees, but shall not include punitive or exemplary damages.

3. The provisions of this section shall apply to all actions pending or initiated on or after the effective date of this section." ; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 8:**

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 79, Section 537.684, Line 22 of said page, by inserting after all of said line the following:

"565.030. 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty

or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558, RSMo.

3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases.

4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the crime upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

(1) If the trier finds by a preponderance of the evidence that the defendant is mentally retarded; or

(2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or

(3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or

(4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed. If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury [it shall be instructed before the case is submitted that if it] **and** is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor [or death]; **and the jury shall be accordingly instructed before the case is submitted.** The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree.

5. Upon written agreement of the parties and with leave of the court, the issue of the defendant's mental retardation may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 4 of this section.

6. As used in this section, the terms "mental retardation" or "mentally retarded" refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with continual extensive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which conditions are manifested and documented before eighteen years of age.

7. The provisions of this section shall only govern [offenses committed] **prosecutions commenced** on or after August 28, [2001] **2002.**"; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 8** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton assumed the Chair.

Senator Rohrbach offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1152, Page 72, Section 494.415, Lines 12 and 13, by deleting all of said lines, and further amend Page 72, Section 494.420, Lines 24 and 25, by deleting all of said lines.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Klarich moved that **SS No. 2** for **SCS** for **SB 1152**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS No. 2** for **SCS** for **SB 1152**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1101** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 1102** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 1103** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 1104** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1105** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 1106** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS for HB 1107** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 1108** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 1109** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 1110** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS for HCS for HB 1101** through **SCS for HCS for HB 1110** to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS for HCS for HB 1101**; **SCS for HCS for HB 1102**, as amended; **SCS for HCS for HB 1103**, as amended; **SCS for HCS for HB 1104**, as amended; **SCS for HCS for HB 1105**; **SCS for HCS for HB 1106**; **SCS for HCS for HB 1107**, as amended; **SCS for HCS for HB 1108**; **SCS for HCS for HB 1109**; and **SCS for HCS for HB 1110** and grant the House a conference thereon, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **HCR 4** and **SCR 69** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **HCS for HB 1443**, with **SCS**, and **HB 1926** to the Committee on State Budget Control.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

HCR 25--Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 1508--Transportation.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 1111** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1112** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SAs 1, 2, 3, 4, 5, 6, 7, 8** and **11** to **HCS** for **HB 1711** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS** for **HCS** for **HB 1111**, as amended; and **SCS** for **HCS** for **HB 1112** to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1111**, as amended, and **SCS** for **HCS** for **HB 1112** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committees to act with like committees from the House on **SCS** for **HCS** for **HB 1101**; **SCS** for **HCS** for **HB 1102**, as amended; **SCS** for **HCS** for **HB 1103**, as amended; **SCS** for **HCS** for **HB 1104**, as amended; **SCS** for **HCS** for **HB 1105**; **SCS** for **HCS** for **HB 1106**; **SCS** for **HCS** for **HB 1107**, as amended; **SCS** for **HCS** for **HB 1108**; **SCS** for **HCS** for **HB 1109**; **SCS** for **HCS** for **HB 1110**; **SCS** for **HCS** for **HB 1111**, as amended; and **SCS** for **HCS** for **HB 1112**: Senators Russell, Westfall, Rohrbach, Goode and Wiggins.

PRIVILEGED MOTIONS

Senator Jacob moved that the Senate refuse to recede from its position on **SAs 1, 2, 3, 4, 5, 6, 7, 8** and **11** to **HCS** for **HB 1711** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House

on **HCS** for **HB 1711**, as amended: Senators Jacob, Caskey, Bentley, Sims and Kenney.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael B. Smith, Republican, 910 Southwest County Line Road, Lee's Summit, Jackson County, Missouri 64082, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2005, and until his successor is duly appointed and qualified; vice, Richard Berkley, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 65**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 66**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 24**, begs

leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

On behalf of Senator DePasco, Senator Kenney offered Senate Resolution No. 1625, regarding Dr. Paul T. James, Independence, which was adopted.

Senator Kennedy offered Senate Resolution No. 1626, regarding Dr. Joan E. Lampton, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1627, regarding Daniel Donald Buttig, which was adopted.

Senator Kinder offered Senate Resolution No. 1628, regarding Whitney Chasteen, Sikeston, which was adopted.

Senator Kinder offered Senate Resolution No. 1629, regarding Ashley Thurman, Sikeston, which was adopted.

Senator Kinder offered Senate Resolution No. 1630, regarding Tara Shoemaker, Sikeston, which was adopted.

Senator Kinder offered Senate Resolution No. 1631, regarding Sarah Reaves, Sikeston, which was adopted.

Senator Bentley offered Senate Resolution No. 1632, regarding Travis Lee Singleton, Ozark, which was adopted.

Senator Westfall offered Senate Resolution No. 1633, regarding the death of Ronald Kent "Ron" Hendrickson, Bolivar, which was adopted.

COMMUNICATIONS

The following communication was received from Senator DePasco:

April 29, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Terry:

SCS for SB 1086 and 1126 is presently on the Senate Bills with House Amendments calendar. Senator Quick is the co-sponsor and will handle this bill on the Senate Floor.

Thank you for your attention to this matter.

Sincerely,

/s/ Ronnie DePasco

Senator Ronnie DePasco

District 11

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, John Green, St. Louis; and Erv and Linda Rhode, Affton.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Tuesday, April 30, 2002.

SENATE CALENDAR

SIXTY-SECOND DAY-TUESDAY, APRIL 30, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1460-Hilgemann

HCS for HB 1717

HB 2078-Clayton

HCS for HB 1143

HS for HCS for HB 1962-Monaco

HCS for HB 1695

HS for HCS for HBs 1729,

1589 & 1435-Barnitz

HCS for HJR 51

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al

(In Budget Control)

SB 1140-Rohrbach

SB 1095-Cauthorn

SB 1232-Singleton

SCS for SB 878-Sims

SENATE BILLS FOR PERFECTION

SB 1266-Kenney, with SCS

SB 696-Cauthorn, et al

SB 1100-Childers, et al

SB 1035-Yeckel

SB 832-Schneider, with SCS

SJR 24-Johnson

HOUSE BILLS ON THIRD READING

1. HB 1953-Van Zandt, et al,

with SCS (Singleton)

2. HB 1446-Luetkenhaus,

with SCS (Kenney)

3. HCS for HB 1888, with

SCS (Westfall)

4. HBs 1270 & 2032-Gratz,

with SCS (Westfall)

5. HB 1712-Monaco, et al,

with SCS (Klarich)

6. HS for HB 1994-Hosmer
(Bentley)

7. HCS for HB 1443, with
SCS (Gibbons)
(In Budget Control)

8. HB 1041-Myers, with
SCS (Foster)

9. HB 1600-Treadway
(Mathewson)

10. HB 2008-O'Connor,
with SCS (Kenney)

11. HS for HCS for HB 1532-Hoppe,
with SCS (Gross)

12. HB 1348-Myers, et al,
with SCS (Foster)

13. HB 1402-Burton, et al,
with SCS

14. HB 2023-Franklin,
with SCA 1 (Foster)

15. HB 1086-Harlan, with
SCS (House)

16. HB 1926-Fraser, et al
(Quick)
(In Budget Control)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et
al, with SCS (pending)

SB 647-Goode, with SCS
(pending)

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SB 668-Bentley, with SS &
SA 1 (pending)

SB 689-Gibbons, et al,
with SCS

SB 713-Singleton

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al,

with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1040-Gibbons, et al,

with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS

SB 1087-Gibbons, et al,

with SCS

SB 1099-Childers, with SCS

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SBs 1279, 1162 & 1164-

Kinder and Wiggins,

with SCS

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,
with SCS (pending)
(Coleman)

HB 1814-Monaco, et al,
with SCA 1 (pending)
(Klarich)

HB 1715-Moore, et al
(Klarich)

HB 1768-Hosmer, et al,
with SCA 1 (Klarich)

HB 1895-Carnahan, et al
(Jacob)

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,
with SCS (Mathewson)

HB 1148-Ross (Kenney)

HB 1580-Barnett (Klindt)

HB 1811-Gambaro, with SCS
(Dougherty)

HB 1839-Seigfreid (Mathewson)

HB 1846-Scott, with SCS
(Rohrbach)

HB 1849-Barnitz and
Overschmidt, with SCS
(Steelman)

HB 1861-Burcham (Staples)

HB 1982-Richardson (Foster)

HB 2002-Farnen and Naeger
(Caskey)

HB 2018-Bartle, et al (Kenney)

HB 2039-Kreider (Stoll)

HB 2064-Walton, et al (Goode)

HB 2130-Boykins, et al (Coleman)

HB 2047-Ransdall, et al,
with SCS (Mathewson)

HB 2022-Richardson, with
SCS (Stoll)

HB 1973-Bowman (Schneider)

HB 1515-Burton (Bentley)

HB 1477-Farnen, with SCS (Klindt)

HB 1964-Gambaro, with SCS
(Yeckel)

HB 1635-Hoppe, with SCS
(Wiggins)

HB 2009-O'Connor, with
SCS (Kenney)

HB 1838-Hosmer (Caskey)

HB 1085-Mays (50) (Quick)

HB 1548-Barry, with SCS (Sims)

HB 1812-Riback Wilson (Sims)

HB 1781-Green (73) and
Ladd Baker (Russell)

HB 1783-Lowe, et al, with

SCS (Rohrbach)

HB 1636-Hoppe, with SCS

(Wiggins)

HB 1840-Seigfreid (Mathewson)

HB 1032-Portwood (Steelman)

HB 1313-Burton, with SCS

(Foster)

HB 1937-Barry, with SCA 1

(Singleton)

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al (Foster)

HB 1921-Green (73), with

SCS (Klarich)

HB 2117-Boucher (Caskey)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus

(Yeckel)

HB 1342-Farnen (Yeckel)

(In Budget Control)

HB 1668-Holt, et al (House)

HB 1822-Walton (Yeckel)

HB 1492-Seigfreid, with

SCS (Mathewson)

HB 1495-Seigfreid, with

SCS (Mathewson)

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al,

with SCS (Foster)

HB 1674-O'Toole and

Dempsey (Stoll)

HB 1890-Hilgemann, et al,

with SCS (Gross)

HB 1518-Luetkenhaus

(Rohrbach)

HB 1568-Luetkenhaus, with

SCS (Rohrbach)

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS (Rohrbach)

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS (House)

HB 1918-Koller, with SCS

(Staples)

HBs 1093, 1094, 1159, 1204,

1242, 1272, 1391, 1397, 1411,

1624, 1632, 1714, 1755, 1778,

1779, 1852, 1862, 2025 &

2123-Relford and Seigfreid,

with SCS (Mathewson)

HBs 1141, 1400, 1645,

1745 & 2026-Naeger,

with SCS (Yeckel)

HBs 1205, 1214, 1314, 1320,

1504, 1788, 1867 & 1969-

Seigfreid and Relford,

with SCS (Mathewson)

HB 1075-Nordwald (House)

HB 2062-Hosmer, et al

(Westfall)

HB 1789-Ross, et al, with

SCS (Klarich)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SB 749-Goode, with HCS

SCS for SB 776-House,

with HCS

SB 786-Goode, with HCS

SB 795-Schneider, with HCS

SB 961-Wiggins, et al,

with HCS

SB 1012-Caskey, with HCS

SCS for SBs 1086 & 1126-

DePasco, with HCS

SCS for SB 1113-Caskey,

with HCS

SB 1213-Mathewson, with

HCS

SB 1244-Bland, et al,

with HCS BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1101, with SCS

(Russell)

HCS for HB 1102, with SCS,

as amended (Russell)

HCS for HB 1103, with SCS,

as amended (Russell)

HCS for HB 1104, with SCS,

as amended (Russell)

HCS for HB 1105, with SCS

(Russell)

HCS for HB 1106, with SCS

(Russell)

HCS for HB 1107, with SCS,

as amended (Russell)

HCS for HB 1108, with SCS

(Russell)

HCS for HB 1109, with SCS

(Russell)

HCS for HB 1110, with SCS

(Russell)

HCS for HB 1111, with SCS,
as amended (Russell)

HCS for HB 1112, with SCS
(Russell)

HCS for HB 1711, with SAs
1, 2, 3, 4, 5, 6, 7, 8 & 11 (Jacob)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1602-Klarich, with SS
(pending)

To be Referred

SCR 70-Singleton

SCR 71-Singleton

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11 (House)

SCR 60-Kennedy, with SCS

SCR 64-Caskey

SCR 57-Steelman, with SCS

SCR 65-Loudon

SCR 66-Loudon

HCR 13-Bowman, et al

HCR 16-Farnen, et al

HCR 24-Kreider

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SECOND DAY--TUESDAY, APRIL 30, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"You will surely wear yourself out, both you and these people with you. For the task is too heavy for you; you cannot do it alone." (Exodus 18:18)

Merciful God, You have given us much to do and we are grateful for the work but time is diminishing as the calendar marks the end of this session. Grant us wisdom to work together, to ask for help and be the Senate You have called together to serve the people of this state. And we pray for Senator Sims' husband's continued recovery and his healing complete. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kenney requested unanimous consent of the Senate to correct the Senate Journal for Thursday, April 25, 2002, Page 986, Column 1, Line 8, by deleting said line and inserting in lieu thereof the following:

"and recommends that the Senate Committee Substitute, hereto attached, do pass.", which request was granted.

Photographers from KRCG-TV, KOMU-TV, KMBC-TV, KSHB-TV, the Associated Press and KTVI-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco-- 1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1634

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize the Honorable Sam Gaskill, Missouri State Representative from the 131st District, who commemorated the resplendent occasion of his Seventieth Birthday on March 8, 2002; and

WHEREAS, Sam Gaskill came into this world in Joplin, Missouri, on March 8, 1932, as the tiny infant son born to proud and loving parents Sam and Dorothy Gaskill, who welcomed him into their hearts as a precious gift from God; and

WHEREAS, a graduate of Joplin Senior High School, Representative Gaskill received his Associate's degree in Agriculture from Crowder College, his Bachelor's degree from the University of Missouri-Columbia, and his M.B.A from Auburn University; and

WHEREAS, Sam Gaskill dutifully served his country in the United States Air Force for twenty-two years as an officer through the rank of colonel in operations, intelligence, budgeting, and comptroller work, and as a command pilot who flew 232 jet fighter combat missions in Vietnam; and

WHEREAS, following his military service, Sam Gaskill worked as a real estate broker in Carthage where he was elected twice as president of the Realtors Board, and served as a real estate appraiser in the five counties of Missouri's southwest corner; and

WHEREAS, Sam Gaskill was elected to the Missouri House of Representatives in 1994, since which time he has never missed a day of work at the Capitol in eight years of service, has continually focused on accountability in public service and efficiency in management of public resources, and has served on such important House committees as Commerce and Economic Development; Judiciary; Miscellaneous Bills and Resolutions; and Public Safety, Law Enforcement, and Veteran Affairs; and

WHEREAS, a successful beef cattle and elk rancher, Sam Gaskill has been abundantly blessed with the love and admiration of a wonderful family whose members include his two daughters, Cheryl Dobson of Joplin and Carrie Myers of Denver, Colorado, and his three grandchildren, Andrew and William Dobson, and Ella Myers:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in extending our most hearty congratulations and birthday greetings to Representative Gaskill at this significant milestone and in wishing him tremendous peace and contentment as he continues his journey along life's path; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Honorable Sam Gaskill of Washburn, Missouri.

Senator Goode offered Senate Resolution No. 1635, regarding George Stone, Normandy, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 72

WHEREAS, the Kansas City School District is working toward providing students with knowledge, skills, abilities and attitudes so that they may become life-long learners and have the capacity for leadership and service; and

WHEREAS, the Kansas City School District has diligently worked to re-obtain accreditation; and

WHEREAS, the State Board of Education voted to reinstate the Kansas City School District to provisionally accredited status on April 17, 2002; and

WHEREAS, it is both a source of great joy and inspiration to the Kansas City School District to receive such a vote of confidence from the State Board of Education; and

WHEREAS, citizens residing in the Kansas City School District should work together to develop ideas to help the school district continue their efforts towards full accreditation:

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a planning commission for the Kansas City School District be created, to be comprised of fifteen members of whom shall be residents of the Kansas City, Missouri School District or a corporation or organization currently located in the school district; and

BE IT FURTHER RESOLVED that the planning commission conduct research, review and evaluate key issues related to the Kansas City School District and make recommendations for ways that the district may improve education, improve student performance and meet requirements applicable to school districts; and

BE IT FURTHER RESOLVED that the planning commission shall consist of seventeen members selected as follows:

- (1) The superintendent of the Kansas City Missouri school district shall serve as ex-officio member;
- (2) The president of the school board of the Kansas City Missouri school district shall serve as ex-officio member;
- (3) The president of the local chapter of the American Federation of Teachers shall serve as a member;
- (4) One member, resident in the district, shall be appointed by the local chapter of the National Education Association;
- (5) One member shall be the president of the local AFL/CIO chapter;
- (6) The chancellor of Rockhurst College shall serve as ex-officio member;
- (7) The chancellor of the University of Missouri-Kansas City shall serve as ex-officio member;
- (8) The president of Lincoln University shall appoint a member who is a resident of the district with expertise in education issues;
- (9) One member shall be the chief executive officer of the Kansas City urban league;
- (10) One member shall be the president of the parent's association for the district;
- (11) One member shall be the chief executive officer of a large corporation with an office in Kansas City, appointed by the Kansas City chamber of commerce;
- (12) One member shall be a business person appointed by the Kansas City black chamber of commerce;
- (13) One member shall be appointed by the NAACP;
- (14) One member of the house of representatives who represents all or a portion of the school district and has expertise in education issues shall be appointed by the speaker of the house of representatives;
- (15) One member who is a resident of the school district with expertise in education issues shall be appointed by the president pro tempore of the senate with the approval of the senators representing all or a portion of the school district; and

BE IT FURTHER RESOLVED that the members of the planning commission shall have expertise in either education, administration or business matters; and

BE IT FURTHER RESOLVED that a community advisory committee to the planning commission, consisting of residents of the school district, be established to serve as a liaison between the community and the planning commission; and

BE IT FURTHER RESOLVED that the community advisory committee to the planning commission shall consist of:

- (1) One member appointed by each member of the house of representatives who represents all or a part of the school district;
- (2) One member appointed by each member of the senate who represents all or a part of the school district;
- (3) One member appointed by each member of the city council of the city containing the school district who represents all or a part of the school district;
- (4) One member appointed by each member of the county legislature of the county containing the school district who represents all or a part of the school district; and
- (5) Five members appointed by the governor, including two parents of resident pupils attending a district school, one grandparent of a resident pupil attending a district school and two members of the community.

Senator Bland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 73

WHEREAS, current studies indicate that children left at home alone and unsupervised have lower academic test scores, have higher absentee rates at school, exhibit higher levels of fear, stress, nightmares, loneliness, and boredom, are 1.7 times more likely to use alcohol, and are 1.6 times more likely to smoke cigarettes; and

WHEREAS, recent data shows that violent juvenile crime rates soar and children are most likely to be victims of a violent crime committed by a nonfamily member between the hours of 3 p.m. and 8 p.m., the hours immediately after school; and

WHEREAS, according to the National Center for Juvenile Justice, children are at greater risk of being involved in crime, substance abuse, and teenage pregnancy in the hours after school, especially between the hours of 3 p.m. and 4 p.m.; and

WHEREAS, the most common activity for children after school is watching television, resulting in an average 23 hours of television watching per week; and

WHEREAS, the parents of more than 800,000 Missouri school-age children work outside the home; and

WHEREAS, according to the estimates of the Urban Institute of the United States Census Bureau, at least 7 million and as many as 15 million "latchkey children" return to an empty house on any given afternoon; and

WHEREAS, in the United States, families worry about their children being unsafe and having too much idle, unsupervised time; and

WHEREAS, the United States Departments of Education and Justice report that children in quality after-school programs have better academic performance, school attendance, behavior, and greater expectations for the future; and

WHEREAS, children who attend high quality after-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in after-school programs; and

WHEREAS, children who attend after-school programs spend more time in learning opportunities, academic activities, and enrichment activities, and spend less time watching television than their peers; and

WHEREAS, children who attend after-school programs miss fewer days of school, have better homework completion, better school behavior, and higher test scores; and

WHEREAS, the United States Congress has recognized the beneficial impact of after-school programs to our youth, and has increased the funding of after-school programs administered by the Missouri Department of Elementary and Secondary Education; and

WHEREAS, 92% of all Americans believe there should be organized activities for all youth during after-school hours; and

WHEREAS, it is estimated that less than 25% of all school-age children attend any after-school program, leaving 75% of our youth without a safe, supportive, and enriching environment during the unsupervised hours after the formal school day ends:

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that a Joint Interim Committee on After-school Programs be created, to be comprised of three members of the Senate, appointed by the President Pro Tem of the Senate and the Senate Minority Floor Leader and three members of the House of Representatives, appointed by the Speaker of the House of Representatives and the House Minority Floor Leader; and

BE IT FURTHER RESOLVED that the committee make a comprehensive analysis of the quantity and quality of Missouri after-school programs, including the solicitation of information from appropriate state agencies, public schools, youth development organizations, law enforcement agencies and juvenile officers, youth development and education experts, and the public (including youth) regarding the status of after-school programs; and

BE IT FURTHER RESOLVED that the committee, in consultation with the Departments of Elementary and Secondary Education and Social Services, make recommendations for an efficient and effective development plan to provide the opportunity for every Missouri school-age child to access quality after-school programs and design a system to train, mentor, and support after-school programs, and thereby guarantee their sustainability; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of Senate Research,

House Research, and the Committee on Legislative Research provide such legal, research, clerical, technical, and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the General Assembly endorses all of state government to enthusiastically encourage our citizens to engage in innovative after-school programs and activities that ensure that all Missouri school-age children are not only safe, but also productive when the school day ends; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the General Assembly by January 1, 2003, and the authority of such committee shall terminate on December 31, 2002, unless reauthorized.

Senators Childers, Caskey, Kinder, Russell, Staples, Wiggins, Mathewson and Westfall offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 74

WHEREAS, the rugged and scenic landscape of Roaring River State Park is a landmark of Barry County and southwest Missouri; and

WHEREAS, Roaring River State Park provides hours of enjoyment for its visitors who partake in its fishing, hiking and camping opportunities; and

WHEREAS, the Inn and Conference Center at Roaring River State Park is the signature building in the Park; and

WHEREAS, Emory Melton was a state Senator representing Barry County and the area encompassing the Roaring River State Park for many years; and

WHEREAS, former state Senator Emory Melton was instrumental in furthering the development and enjoyment of the Park; and

WHEREAS, without Senator Melton's efforts, the Park would not be the tourist attraction that it is today; and

WHEREAS, Senator Melton deserves permanent recognition of his work on behalf of the Park:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate that the Inn and Conference Center at Roaring River State Park located in Barry County shall hereinafter be known as the "Emory Melton Inn and Conference Center"; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and the Director of the Department of Natural Resources.

HOUSE BILLS ON THIRD READING

Senator Klarich moved that **HB 1814**, with **SCA 1** (pending), be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCA 1 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **HB 1814**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley	Jacob	Quick	Schneider
Sims--5			

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1715, introduced by Representative Moore, et al, entitled:

An Act to repeal section 476.753, RSMo, and to enact in lieu thereof one new section relating to interpreters for the hearing impaired.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 1715** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley	Goode	Jacob	Sims
Stoll--5			

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1768, with **SCA 1**, introduced by Representative Hosmer, et al, entitled:

An Act to repeal section 511.360, RSMo, and to enact in lieu thereof one new section relating to liens of a judgment or decree on real estate.

Was called from the Consent Calendar and taken up by Senator Klarich.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **HB 1768**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Jacob	Sims--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1151, introduced by Representative Smith, entitled:

An Act to repeal section 469.411, RSMo, and to enact in lieu thereof one new section relating to disclaimers of property.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 1151** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1078, with **SCS**, introduced by Representative Whorton, et al, entitled:

An Act to amend chapter 221, RSMo, by adding thereto one new section authorizing a sales tax for regional jail districts and associated court facilities, with an expiration date.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **HB 1078**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1078

An Act to amend chapter 221, RSMo, by adding thereto one new section authorizing a sales tax for regional jail districts and associated court facilities, with an expiration date.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 1078** be adopted.

At the request of Senator Mathewson, his motion was withdrawn which placed **HB 1078**, with **SCS** (pending) back on the Calendar.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 1279**, **SB 1162** and **SB 1164**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1279, 1162** and **1164**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1279, 1162 and 1164

An Act to repeal sections 99.845 and 172.273, RSMo, and to enact in lieu thereof forty-eight new sections relating to community development, with a termination date for a certain section.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 1279, 1162** and **1164** be adopted.

Senator Kinder offered **SS** for **SCS** for **SBs 1279, 1162** and **1164**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1279, 1162 and 1164

An Act to repeal sections 99.845, 172.273 and 253.559, RSMo, and to enact in lieu thereof twenty-seven new sections relating to community development, with a termination date for a certain section and an effective date for a certain section.

Senator Kinder moved that **SS** for **SCS** for **SBs 1279, 1162 and 1164** be adopted.

At the request of Senator Kinder, **SS** for **SCS** for **SBs 1279, 1162 and 1164** was withdrawn.

Senator Kinder offered **SS No. 2** for **SCS** for **SBs 1279, 1162 and 1164**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1279, 1162 and 1164

An Act to repeal sections 99.845, 172.273 and 253.559, RSMo, and to enact in lieu thereof twenty-seven new sections relating to community development, with a termination date for a certain section and an effective date for a certain section.

Senator Kinder moved that **SS No. 2** for **SCS** for **SBs 1279, 1162 and 1164** be adopted.

Senator Singleton assumed the Chair.

Senator Gross assumed the Chair.

Senator Singleton assumed the Chair.

At the request of Senator Kinder, **SB 1279, SB 1162 and SB 1164**, with **SCS** and **SS No. 2** for **SCS** (pending), were placed on the Informal Calendar.

Senator Kinder moved that **SB 1279, SB 1162 and SB 1164**, with **SCS** and **SS No. 2** for **SCS** (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Caskey requested unanimous consent of the Senate to include the rear gallery as a part of the Senate Chamber for purposes of establishing a quorum, which request was denied.

Senator Loudon assumed the Chair.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 39, Section 67.2054, Line 22 of said page, by inserting after all of said line the following:

"67.2056. Notwithstanding any other provision of sections 67.2000 to 67.2060 to the contrary, the state's portion of all sales tax revenue collected pursuant to sections 144.010 to 144.525, RSMo, when generated by sales inside, on the grounds of, or for tickets to any event in, any stadium located in and owned by any county of the first

classification with a charter form of government with a population less than three hundred thousand for so long as said stadium is owned by said county of the first classification with a charter form of government with a population less than three hundred thousand, and is not owned, leased or operated by a regional convention and sports authority established pursuant to sections 67.650 to 67.658, shall be placed in a specially designated account established by the county of the first classification with a charter form of government with a population less than three hundred thousand which account shall not, the provisions of section 33.080, RSMo, to the contrary notwithstanding, be transferred and placed to the credit of the general revenue fund at the end of each biennium, for the sole purpose of maintenance, refurbishment, operation or debt service of such stadium."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Jacob requested unanimous consent of the Senate to allow the conference committee on **HCS** for **HB 1711**, as amended, to meet while the Senate is in session, which request was denied.

Senator Cauthorn requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Gross, House, Steelman and Rohrbach.

Senator Gross assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Foster
Gross	House	Johnson	Loudon
Mathewson	Schneider	Singleton	Stoll--12
NAYS--Senators			
Bentley	Cauthorn	Coleman	Dougherty
Gibbons	Goode	Jacob	Kennedy
Kenney	Kinder	Klarich	Klindt
Rohrbach	Russell	Sims	Staples
Steelman	Westfall	Wiggins	Yeckel--20
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

Senator Goode offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 40, Section 67.2076, Line 1, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Singleton assumed the Chair.

Senator Steelman requested a roll call vote be taken on the adoption of **SA 2** and was joined in her request by Senators Cauthorn, Rohrbach, Russell and Wiggins.

SA 2 failed of adoption by the following vote:

YEAS--Senators

Caskey	Cauthorn	Goode	Gross
House	Jacob	Johnson	Klindt
Mathewson	Quick	Rohrbach	Russell
Singleton	Steelman	Westfall-- 15	

NAYS--Senators

Bland	Childers	Coleman	Dougherty
Foster	Gibbons	Kennedy	Kenney
Kinder	Klarich	Loudon	Schneider
Sims	Staples	Stoll	Wiggins
Yeckel-- 17			

Absent--Senator Bentley-- 1

Absent with leave--Senator DePasco-- 1

Photographers from KSDK-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

Senator Cauthorn offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 31, Section 67.2033, Line 1, by deleting the words "seven million" and inserting in lieu thereof the following: "five hundred thousand"; and further amend said page and section, line 5, by deleting the word "for"; and further amend said page and section, lines 6-12, by deleting all of said lines and inserting in lieu thereof the following: ". On the date of the".

Senator Cauthorn moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Cauthorn, Childers, Yeckel and Klarich.

President Maxwell assumed the Chair.

Senator Kenney offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 62, Section 99.845, Line 14, by inserting immediately after said line the following: "No funds shall be appropriated to the St. Louis Cardinals baseball team until the Cardinals owners and fans admit, without reservation and in writing, that they lost the 1985 World Series to the Kansas City Royals fair and square.".

Senator Kenney moved that the above substitute amendment be adopted.

Senator Goode raised the point of order that **SSA 1** for **SA 3** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem.

At the request of Senator Kenney, **SSA 1** for **SA 3** was withdrawn, rendering the point of order moot.

Senator Childers assumed the Chair.

SA 3 was again taken up.

At the request of Senator Cauthorn, the above amendment was withdrawn.

President Maxwell assumed the Chair.

Senator Goode offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 37, Section 67.2054, Lines 22-29 of said page, by striking all of said lines and inserting in lieu thereof:

"(6) (a) In the event of the sale of the team, the team or its owners shall pay and be liable to the state for an amount equal to the higher of:

a. Ten percent of the sale price of the team; or

b. Three million five hundred thousand dollars for each year the state is authorized to appropriate funds pursuant to subsection 3 of section 67.2033.

(b) For each year after the state is no longer authorized to appropriate moneys pursuant to subsection 3 of section 67.2033, the amount in paragraph (a) of subdivision (6) of subsection 2 of this section shall be reduced by five percent per year.

(c) Notwithstanding the provisions of section 1.140, RSMo, to the contrary the provisions of this subdivision shall not be severable.

(d) In the event of a partial sale of the team, the payment required pursuant to paragraph (a) of subdivision (6) of subsection 2 of this section shall be adjusted to an amount proportionate to the portion sold; and".

Senator Goode moved that the above amendment be adopted.

Senator Staples requested a roll call vote be taken on the adoption of SA 4 and was joined in his request by Senators Caskey, Childers, Kennedy and Steelman.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Goode	Gross	Klindt	Mathewson
Rohrbach	Russell	Schneider	Singleton
Stelman	Stoll	Westfall--15	
NAYS--Senators			
Bland	Coleman	Dougherty	Foster
Gibbons	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Loudon	Quick	Sims	Staples
Wiggins	Yeckel--18		
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

Senator Gross offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 37, Section 67.2054, Line 29 of said page, by striking the word "and"; and

Further amend said bill and section, page 38, line 10 of said page, by inserting immediately after the word "facilities" the following: "; **and**

(8) In the event that a national sports league adopts a revenue sharing formula after August 28, 2002, and as a result of such revenue sharing formula the team experiences increased revenues over and above revenues such team would have received in the absence of such revenue sharing formula, the team shall pay fifty percent of such increased revenues to the state and political subdivisions providing funding pursuant to section 67.2033 which shall be shared on a pro rata basis in accordance with the percentage of assistance being provided by the public participants. In no event shall payments by the team to the public participants exceed the amount of appropriations made by the political subdivisions pursuant to section 67.2033."

Senator Gross moved that the above amendment be adopted.

Senator Steelman requested a roll call vote be taken on the adoption of **SA 5** and was joined in her request by Senators Gross, Kinder, Quick and Rohrbach.

SA 5 failed of adoption by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Foster
Goode	Gross	Klindt	Loudon
Rohrbach	Schneider	Singleton	Steelman
Stoll	Westfall-- 14		
NAYS--Senators			
Bland	Coleman	Dougherty	Gibbons
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Mathewson	Quick
Sims	Staples	Wiggins	Yeckel-- 16
Absent--Senators			
Bentley	Jacob	Russell--3	
Absent with leave--Senator DePasco-- 1			

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17 of said page, by inserting after all of said line the following:

"Section B. The provisions of this act shall become effective upon the passage of an appropriation bill which provides at least a five percent increase in annual compensation for all state employees."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Johnson offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 1, Section B, Line 5, by deleting the word, "five" and inserting in lieu thereof the word, "four".

Senator Johnson moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 6** and **SA 1** to **SA 6** are out of order as both amendments go beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Klarich raised the point of order that **SA 6** is out of order as it is dilatorious to the underlying legislation.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 to **SA 6** was again taken up.

Senator Loudon assumed the Chair.

President Maxwell assumed the Chair.

Senator Johnson moved that **SA 1** to **SA 6** be adopted, which motion failed.

SA 6 was again taken up.

Senator Steelman requested a roll call vote be taken on the adoption of **SA 6** and was joined in her request by Senators Cauthorn, Klindt, Mathewson and Rohrbach.

SA 6 failed of adoption by the following vote:

YEAS--Senators

Caskey	Cauthorn	Foster	Goode
Gross	Johnson	Klindt	Mathewson
Quick	Rohrbach	Russell	Schneider
Singleton	Steelman	Stoll	Westfall--16

NAYS--Senators

Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Loudon	Sims	Staples	Wiggins
Yeckel--17			

Absent--Senators--None

Absent with leave--Senator DePasco--1

Senator Schneider offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 32, Section 67.2033, Line 17, by inserting after all of said line the following:

"5. In no event shall an appropriation be made pursuant to the provisions of subsection 3 of this section unless a

lease has been entered into which complies with the provisions of subsection 2 of section 67.2054." and further amend page 37, section 67.2054, lines 24-28, by deleting all of said lines and inserting in lieu thereof the following: **"portion of the profits upon the sale of the team, at any time during the thirty year period of the state's participation pursuant to section 67.2033, in the amount of twelve percent for profits on a sale of up to three hundred million, fourteen percent of profits of over three hundred million up to six hundred million, and sixteen percent of profits more than six hundred million. Said percentages shall also apply to a sale to a third party by any individual owner proportionate to that owner's share of the ownership. A third party, for the purposes of this subsection, is a person other than the current ownership. The attorney general shall be responsible to draft and negotiate the terms of the agreement to meet the requirements of this subdivision."**

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, Childers, Gross and Klindt.

Senator Gibbons offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 37, Section 67.2054, Line 28, by inserting after the word "stadium" the following: "provided that in no event shall the public participant's share of the profits, as defined in the redevelopment contract, be less than twelve percent".

Senator Gibbons moved that the above substitute amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 7 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Line 5, by adding:

"and amend line 22 by inserting after the word "Team" as first appears therein, the following:

"at any time during the 30 year participation of the state"; and

amend line 5 of Senate Substitute Amendment No. 1 by adding "of the profit payable to the state".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 1279**, **SB 1162** and **SB 1164**, with **SCS**, **SS No. 2** for **SCS**, **SA 7**, **SSA 1** for **SA 7** and **SA 1** to **SSA 1** for **SA 7** (pending), were placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 1281-By Russell and Goode.

An Act to appropriate money pursuant to Article IV, Section 27 (a), Subsection 5 of the Missouri Constitution and for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain

funds designated for the fiscal period ending June 30, 2002.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1717**--Rules, Joint Rules, Resolutions and Ethics.

HB 2078--Rules, Joint Rules, Resolutions and Ethics.

HCS for **HB 1143**--Commerce and Environment.

HS for **HCS** for **HB 1962**--Judiciary.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following concurrent resolutions were read the 2nd time and referred to the Committees indicated:

SCR 70--Rules, Joint Rules, Resolutions and Ethics.

SCR 71--Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1101**. Representatives: Green 73, Bonner, Merideth, Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1102**, as amended. Representatives: Green 73, Graham, Kreider, Legan, Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **HB 1711**, as amended. Representatives: Graham, Franklin, Davis, Fares and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 1537** and has taken up and passed **SCS** for **HB 1537**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 2120** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 47** entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27 of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to political subdivision revenue bonds for utility, industrial, and airport purposes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1726**, entitled:

An Act to repeal sections 160.261 and 167.161, RSMo, and to enact in lieu thereof four new sections relating to discipline in public schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1350**, entitled:

An Act to repeal section 67.1451, 67.1461 and 349.045, RSMo, and to enact in lieu thereof three new sections relating to boards of directors in community improvement districts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1216**, entitled:

An Act to amend chapters 21 and 630, RSMo, by adding thereto two new sections relating to suicide.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1656**, entitled:

An Act to repeal sections 547.170, 566.030, 566.060 and 650.057, RSMo, and to enact in lieu thereof five new sections relating to sexual offenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1627**, entitled:

An Act to repeal sections 64.170, 64.180, 64.190, and 64.205, RSMo, and to enact in lieu thereof four new sections relating to building regulations in certain counties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1936**, entitled:

An Act to repeal sections 261.110, 261.230, 261.235 and 261.239, RSMo, and to enact in lieu thereof six new sections relating to agriculture.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1650**, entitled:

An Act to repeal sections 247.040, 393.705, 610.021, 640.620, 644.016, 644.051 and 644.052, RSMo, and to enact in lieu thereof eleven new sections relating to water resources, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1577, 1760, 1433, 1430, 1029 and 1700**, entitled:

An Act to repeal sections 44.023, 50.550, 150.465, 167.161, 167.171, 191.905, 195.211, 195.222, 217.720, 217.722, 252.235, 302.341, 302.510, 302.530, 304.351, 306.124, 307.177, 316.150, 316.155, 338.055, 407.472, 453.110, 544.170, 547.170, 556.061, 557.035, 558.019, 559.021, 565.024, 565.050, 565.060, 565.070, 565.081, 565.082, 565.083, 565.253, 566.010, 566.030, 566.060, 566.067, 566.068, 566.083, 566.090, 566.093, 566.095, 569.020, 569.030, 569.095, 569.097, 569.099, 570.010, 570.020, 570.030, 570.033, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 571.020, 571.070, 574.115, 575.150, 577.041, 577.054, 577.600, 578.008, 578.150, 578.377, 578.379, 578.381, 578.385, 578.405, 578.407, 578.409, 578.412, 595.010, 595.020, 595.030, 610.021, 630.140, 630.167, 630.170, 650.050, 650.057, 650.055 and 660.317, RSMo, and to enact in lieu thereof one-hundred thirteen new sections relating to crimes and punishment, with penalty provisions and an

emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 1152**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS No. 2** for **SCS** for **SB 1152** to the Committee on State Budget Control.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1636, regarding Michael Wolff Grogan, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 1637, regarding John R. Henselmeier, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 1638, regarding Aaron Michael Fitzgerald, Maryland Heights, which was adopted.

Senator Mathewson offered Senate Resolution No. 1639, regarding John Milton Fluty, Ionia, which was adopted.

Senator Sims offered Senate Resolution No. 1640, regarding Chasity Hiza, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1641, regarding Amanda Wyatt, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1642, regarding Meghan Marie Tierney, Marshfield, which was adopted.

Senator Sims offered Senate Resolution No. 1643, regarding Alexis Welner, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1644, regarding Nicole Giesler, Ste. Genevieve, which was adopted.

Senator Caskey offered Senate Resolution No. 1645, regarding Ron L. Hargrave, Appleton City, which was adopted.

Senator Coleman offered Senate Resolution No. 1646, regarding the St. Louis Community College, St. Louis, which was adopted.

Senator Bland offered Senate Resolution No. 1647, regarding the death of Dorothy Pearl Dudley, Kansas City, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

April 20, 2002

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator James L. Mathewson to the Missouri Tourism Committee to fill the vacancy created by the resignation of Senator Sidney Johnson.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Sarah Lewark, Warrensburg.

Senator Mathewson introduced to the Senate, Rich Cole and 5 students from The Student Success Center, Lexington; and Alicia Burkhart, Vickie Thompson, Kenny Bauer and Kristi Wells were made honorary pages.

On behalf of Senator Jacob and herself, Senator Sims introduced to the Senate, Dr. Frank Mitchell, Patsy Lewellen, Joan Drake, Leann Runyan and Teresa Janney, Columbia.

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. Lou Harris, M.D., Bolivar.

Senator Caskey introduced to the Senate, Harold Knight, Carl Hamilton, Sheila Lusher and 125 seventh grade students and sponsors from Yeokum Middle School, Belton.

Senator Gibbons introduced to the Senate, students from Edgar Road Elementary School, Webster Groves.

Senator Johnson introduced to the Senate, 20 eighth grade students from St. Joseph Christian School, St. Joseph.

The President introduced to the Senate, Bill Spooner and students from Oak Hill Day School,

Kansas City.

The President introduced to the Senate, Eric Milius, Mexico.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Wednesday, May 1, 2002.

SENATE CALENDAR

SIXTY-THIRD DAY-WEDNESDAY, MAY 1, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1281-Russell and Goode

HOUSE BILLS ON SECOND READING

HB 1460-Hilgemann

HCS for HB 1695

HS for HCS for HBs 1729,

1589 & 1435-Barnitz

HCS for HJR 51

HCS for HJR 47

HB 1726-Walton, et al

HB 1350-Liese

HCS for HB 1216

HCS for HB 1656

HB 1627-Kreider

HS for HCS for HB 1936-

Shoemyer

HS for HCS for HB 1650-

Hoppe

HS for HCS for HBs 1577,

1760, 1433, 1430, 1029

& 1700-Britt

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel,

et al

(In Budget Control)

SB 1140-Rohrbach

SB 1095-Cauthorn

SB 1232-Singleton

SCS for SB 878-Sims

SS#2 for SCS for

SB 1152-Klarich

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 1266-Kenney, with SCS

SB 696-Cauthorn, et al

SB 1100-Childers, et al

SB 1035-Yeckel

SB 832-Schneider, with SCS

SJR 24-Johnson

HOUSE BILLS ON THIRD READING

1. HB 1953-Van Zandt, et

al, with SCS (Singleton)

2. HB 1446-Luetkenhaus,

with SCS (Kenney)

3. HCS for HB 1888, with

SCS (Klarich)

4. HBs 1270 & 2032-Gratz,

with SCS (Westfall)

5. HB 1712-Monaco, et al,

with SCS (Klarich)

6. HS for HB 1994-Hosmer

(Bentley)

7. HCS for HB 1443, with

SCS (Gibbons)

(In Budget Control)

8. HB 1041-Myers, with

SCS (Foster)

9. HB 1600-Treadway

(Mathewson)

10. HB 2008-O'Connor,

with SCS (Kenney)

11. HS for HCS for HB

1532-Hoppe, with

SCS (Gross)

12. HB 1348-Myers, et al,

with SCS (Foster)

13. HB 1402-Burton, et al,

with SCS (Steelman)

14. HB 2023-Franklin,

with SCA 1 (Foster)

15. HB 1086-Harlan, with

SCS (House)

16. HB 1926-Fraser, et al

(Quick)

(In Budget Control)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al, with SCS

SB 713-Singleton

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al,

with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with

SCS

SB 1010-Sims

SB 1040-Gibbons, et al, with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach
and Kenney, with SCS

SB 1087-Gibbons, et al,
with SCS

SB 1099-Childers, with SCS

SB 1103-Westfall, et al,
with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS, SS#2 for SCS,
SA 7, SSA 1 for SA 7
& SA 1 to SSA 1 for SA 7
(pending)

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,
with SCS (pending)
(Coleman)

HB 1895-Carnahan, et al (Jacob)

HB 1078-Whorton, et al,
with SCS (pending)
(Mathewson)

HB 1148-Ross (Kenney)

HB 1580-Barnett (Klindt)

HB 1811-Gambaro, with SCS
(Dougherty)

HB 1839-Seigfreid (Mathewson)

HB 1846-Scott, with SCS
(Rohrbach)

HB 1849-Barnitz and
Overschmidt, with SCS
(Steelman)

HB 1861-Burcham (Staples)

HB 1982-Richardson (Foster)

HB 2002-Farnen and Naeger
(Caskey)

HB 2018-Bartle, et al (Kenney)

HB 2039-Kreider (Stoll)

HB 2064-Walton, et al (Goode)

HB 2130-Boykins, et al
(Coleman)

HB 2047-Ransdall, et al,
with SCS (Mathewson)

HB 2022-Richardson, with
SCS (Stoll)

HB 1973-Bowman (Schneider)

HB 1515-Burton (Bentley)

HB 1477-Farnen, with SCS
(Klindt)

HB 1964-Gambaro, with SCS
(Yeckel)

HB 1635-Hoppe, with SCS
(Wiggins)

HB 2009-O'Connor, with
SCS (Kenney)

HB 1838-Hosmer (Caskey)

HB 1085-Mays (50) (Quick)

HB 1548-Barry, with SCS (Sims)

HB 1812-Riback Wilson (Sims)

HB 1781-Green (73) and

Ladd Baker (Russell)

HB 1783-Lowe, et al, with

SCS (Rohrbach)

HB 1636-Hoppe, with SCS

(Wiggins)

HB 1840-Seigfreid (Mathewson)

HB 1032-Portwood (Steelman)

HB 1313-Burton, with SCS

(Foster)

HB 1937-Barry, with SCA 1

(Singleton)

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al

(Foster)

HB 1921-Green (73), with

SCS (Klarich)

HB 2117-Boucher (Caskey)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus (Yeckel)

HB 1342-Farnen (Yeckel)

(In Budget Control)

HB 1668-Holt, et al (House)

HB 1822-Walton (Yeckel)

HB 1492-Seigfreid, with

SCS (Mathewson)

HB 1495-Seigfreid, with

SCS (Mathewson)

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al,

with SCS (Foster)

HB 1674-O'Toole and

Dempsey (Stoll)

HB 1890-Hilgemann, et al,

with SCS (Gross)

HB 1518-Luetkenhaus (Rohrbach)

HB 1568-Luetkenhaus, with

SCS (Rohrbach)

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS (Rohrbach)

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS (House)

HB 1918-Koller, with SCS

(Staples)

HBs 1093, 1094, 1159,1204,

1242, 1272, 1391,1397,

1411, 1624, 1632, 1714, 1755,

1778, 1779, 1852, 1862, 2025 &

2123-Relford and Seigfreid,

with SCS (Mathewson)

HBs 1141, 1400, 1645, 1745

& 2026-Naeger, with SCS

(Yeckel)

HBs 1205, 1214, 1314, 1320,

1504, 1788, 1867 & 1969-

Seigfreid and Relford, with

SCS (Mathewson)

HB 1075-Nordwald (House)

HB 2062-Hosmer, et al

(Westfall)

HB 1789-Ross, et al, with

SCS (Klarich)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SB 749-Goode, with HCS

SCS for SB 776-House,

with HCS

SB 786-Goode, with HCS

SB 795-Schneider, with HCS

SB 961-Wiggins, et al,

with HCS

SB 1012-Caskey, with HCS

SCS for SBs 1086 & 1126-

DePasco, with HCS

SCS for SB 1113-Caskey,

with HCS

SB 1213-Mathewson, with

HCS

SB 1244-Bland, et al,

with HCS BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1101, with SCS

(Russell)

HCS for HB 1102, with SCS,

as amended (Russell)

HCS for HB 1103, with SCS,

as amended (Russell)

HCS for HB 1104, with SCS,

as amended (Russell)

HCS for HB 1105, with SCS

(Russell)

HCS for HB 1106, with SCS

(Russell)

HCS for HB 1107, with SCS,

as amended (Russell)

HCS for HB 1108, with SCS

(Russell)

HCS for HB 1109, with SCS

(Russell)

HCS for HB 1110, with SCS

(Russell)

HCS for HB 1111, with SCS,

as amended (Russell)

HCS for HB 1112, with SCS

(Russell)

HCS for HB 1711, with SAs

1, 2, 3, 4, 5, 6, 7, 8 & 11

(Jacob)

Requests to Recede or Grant Conference

HB 2120-Ridgeway and Hosmer,

with SCS (Gibbons)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1602-Klarich, with SS

(pending)

To be Referred

SCR 72-Bland

SCR 73-Bland

SCR 74-Childers, et al

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds

(Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11 (House)

SCR 60-Kennedy, with SCS

SCR 64-Caskey

SCR 57-Steelman, with SCS

SCR 65-Loudon

SCR 66-Loudon

HCR 13-Bowman, et al

HCR 16-Farnen, et al

HCR 24-Kreider

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-THIRD DAY--WEDNESDAY, MAY 1, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"But surely God is my helper, the Lord is the upholder of my life." (Psalm 54:4)

Holy and Gracious God, we give You thanks that You are in our lives and a refuge when times are tense and we need help. We pray that You will watch over us and provide the support we need to serve Your people. And we pray that You will be with former House Chaplain, Father Behan, as he goes through cancer surgery tomorrow, guiding the hands of the surgeons and providing Your healing presence. And we continue to pray for Senator DePasco as he enters the next step in his treatment, that Your healing power may flow through his body that he might return to health and wholeness. In Your gracious Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kenney requested unanimous consent of the Senate to correct the Senate Journal for Monday, April 29, 2002, Page 1035, Column 1, Line 5, by deleting the numeral "1" and inserting in lieu thereof the numeral "3", which request was granted.

Photographers from the Columbia Daily Tribune and Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

HOUSE BILLS ON THIRD READING

HB 1148, introduced by Representative Ross, entitled:

An Act to amend chapter 214, RSMo, by adding thereto one new section relating to scattering gardens in certain cemeteries.

Was called from the Consent Calendar and taken up by Senator Kenney.

On motion of Senator Kenney, **HB 1148** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Jacob	Westfall--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HB 1580, introduced by Representative Barnett, entitled:

An Act to repeal sections 138.010 and 138.020, RSMo, and to enact in lieu thereof two new sections relating to county boards of equalization.

Was called from the Consent Calendar and taken up by Senator Klindt.

Senator Klindt requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Klindt offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1580, Page 1, Section 138.010, Line 3, by deleting the brackets on said line.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klindt, **HB 1580**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster

Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Jacob

Mathewson

Russell--3

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1811, with **SCS**, introduced by Representative Gambaro, entitled:

An Act to authorize the governor to convey certain described property in the City of St. Louis.

Was called from the Consent Calendar and taken up by Senator Dougherty.

SCS for **HB 1811**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1811

An Act to authorize the governor to convey certain described property.

Was taken up.

Senator Dougherty moved that **SCS** for **HB 1811** be adopted.

Senator Dougherty requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1811, Page 5, Section 3, Line 40, by striking "2nd" and inserting in lieu thereof the following: "**22nd**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty moved that **SCS** for **HB 1811**, as amended, be adopted.

At the request of Senator Dougherty, his motion was withdrawn, which placed **HB 1811**, with **SCS**, as amended (pending), back on the Calendar.

HB 1846, with **SCS**, introduced by Representative Scott, entitled:

An Act to repeal section 80.210, RSMo, and to enact in lieu thereof one new section relating to boards of trustees of towns and villages.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 1846**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1846

An Act to repeal section 80.210, RSMo, and to enact in lieu thereof one new section relating to boards of trustees of towns and villages.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 1846** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 1846** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 1140, introduced by Senator Rohrbach, entitled:

An Act to repeal section 192.323, RSMo, and to enact in lieu thereof one new section relating to department of health and senior services document services fund.

Was taken up.

On motion of Senator Rohrbach, **SB 1140** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers

Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bentley	Jacob--2
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Absent with leave--Senator DePasco-- 1

Senator Steelman assumed the Chair.

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 1095, introduced by Senator Cauthorn, entitled:

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to the establishment of the Missouri sheriff methamphetamine relief team.

Was taken up.

On motion of Senator Cauthorn, **SB 1095** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Goode	Quick--2
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Absent with leave--Senator DePasco-- 1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1232, introduced by Senator Singleton, entitled:

An Act to amend chapter 233, RSMo, by adding thereto one new section relating to road districts.

Was taken up.

On motion of Senator Singleton, **SB 1232** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Goode	Quick--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for **SB 878**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 878

An Act to amend chapter 209, RSMo, by adding thereto ten new sections relating to rights of persons with service animals, with penalty provisions and a severability clause.

Was taken up by Senator Sims.

On motion of Senator Sims, **SCS** for **SB 878** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			

Absent--Senators

GoodeSingleton--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Caskey moved that **SCR 64** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **SCR 64** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Coleman	Jacob	Quick	Sims--4
Absent with leave--Senator DePasco--1			

President Maxwell assumed the Chair.

Senator Loudon moved that **SCR 65** be taken up for adoption, which motion prevailed.

On motion of Senator Loudon, **SCR 65** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Quick	Sims--4
Absent with leave--Senator DePasco--1			

Senator Kennedy moved that **SCR 60**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 60** was taken up.

Senator Kennedy moved that **SCS** for **SCR 60** be adopted.

At the request of Senator Kennedy, his motion was withdrawn, which placed the concurrent resolution back on the Calendar.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 713** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Singleton, **SB 713** was declared perfected and ordered printed.

Senator Kenney moved that **SB 1266**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1266**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1266

An Act to repeal sections 149.200, 149.203, 149.206, 149.212 and 149.215, RSMo, relating to sale of cigarettes, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator Kenney moved that **SCS** for **SB 1266** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SB 1266** was declared perfected and ordered printed.

SB 696 was placed on the Informal Calendar.

SB 1100 was placed on the Informal Calendar.

SB 1035 was placed on the Informal Calendar.

SB 832, with **SCS**, was placed on the Informal Calendar.

Senator Johnson moved that **SJR 24** be taken up for perfection, which motion prevailed.

On motion of Senator Johnson, **SJR 24** was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Steelman moved that **SCR 57**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 57** was taken up.

Senator Steelman moved that **SCS** for **SCR 57** be adopted.

At the request of Senator Steelman, her motion was withdrawn which placed the concurrent resolution back on the Calendar.

SECOND READING OF SENATE BILLS

The following bill was read a second time and referred to the Committee indicated:

SB 1281-Appropriations.

REFERRALS

President Pro Tem Kinder referred **SCR 72**, **SCR 73** and **SCR 74** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Childers moved that **SB 1100** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Childers offered **SS** for **SB 1100**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1100

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the promotion of energy efficiency.

Senator Childers moved that **SS** for **SB 1100** be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1100, Page 5, Section 386.887, Lines 12-28, by striking all of said lines and inserting in lieu thereof the following:

"7. All equipment used by a customer-generator to interconnect with the local distribution system shall be installed by a qualified professional electrician or engineer and shall meet all applicable safety, performance, synchronization, interconnection, power quality, and reliability standards established by the commission, the National Electrical Safety Code, National Electrical Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, and the National Fire Protection Association to ensure employee, consumer, and public safety and the quality and reliability of electric service. All interconnection equipment shall also comply with the requirements of the Occupational Safety, and Health Administration with regard to safe practices for utility workers. Such standards shall include requirements for a manual disconnection device accessible at all times to the service personnel of the local distribution company, and standardized requirements for the testing of interconnection equipment no less frequently than biennially. All interconnection equipment used by a customer-generator shall also meet all reasonable standards and requirements established by the local distribution company to enhance employee, consumer and public safety and the reliability of electric service to the customer-generator and other consumers receiving electric service from the local distribution company. All interconnection equipment used by a customer-generator shall also comply with all applicable local building, electrical and safety codes. The customer-generator shall obtain liability insurance coverage of at least five hundred thousand dollars applicable to such interconnection equipment."

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1100, Page 3, Section 386.887, Lines 26-29 of said page, by striking all of said lines; and

Further amend said bill, Page 4, Section 386.887, Lines 1-14 of said page, by striking all of said lines and inserting in lieu thereof the following:

- "(1) The retail electric supplier shall individually measure both the electric energy produced and the electric energy consumed by the customer-generator, or use a single bidirectional meter to measure net electric energy produced or consumed during each billing period, provided that the measurement of net energy using two meters shall be the same as if one meter was used;**
- (2) If the quantity of electric energy supplied by the retail electric supplier exceeds the quantity of electric energy delivered by the customer-generator to the retail electric supplier during the billing period, then the customer-generator shall be billed for the value of the net electric energy supplied to the customer-generator in accordance with the terms and conditions of the retail electric supplier;**
- (3) If the quantity of electric energy delivered by the customer-generator to the retail electric supplier exceeds the quantity of electric energy supplied by the retail electric supplier during the billing period, then the customer generator:"**; and

Further amend said bill, Page 5, Section 386.887, Line 17 of said page, by striking the word "Each" and inserting in lieu thereof the following: **"These standards shall ensure that each"**; and further amend lines 19-20 of said page, by striking all of said lines and inserting in lieu thereof the following: **"not endanger employee, consumer or"**; and further amend line 21 of said page, by striking the word "and" and inserting in lieu thereof the word **"or"**; and

Further amend said bill, Page 6, Section 386.887, Line 5 of said page, by inserting at the end of said line the following: **"Customer-generators with a generation capacity less than forty kilowatts shall not be required to have time of use metering installed or be required to pay for additional tests or analysis of the effect of the operation of the qualified net metering unit on the local distribution system."**; and further amend line 13 of said page, by inserting after the word "that" the following: **"plans for"**; and further amend said line, by striking the word "meets" and inserting in lieu thereof the word **"meet"**.

Senator Dougherty moved that the above amendment be adopted.

Senator Childers raised the point of order that **SA 2** is out of order as it attempts to amend previously amended material.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 1100, Page 3, Section 386.887, Lines 26-29 of said page, by striking all of said lines; and

Further amend said bill, Page 4, Section 386.887, Lines 1-14 of said page, by striking all of said lines and inserting in lieu thereof the following:

- "(1) The retail electric supplier shall individually measure both the electric energy produced and the electric energy consumed by the customer-generator, or use a single bidirectional meter to measure net electric energy produced or consumed during each billing period, provided that the measurement of net energy using two meters shall be the same as if one meter was used;**
- (2) If the quantity of electric energy supplied by the retail electric supplier exceeds the quantity of electric**

energy delivered by the customer-generator to the retail electric supplier during the billing period, then the customer-generator shall be billed for the value of the net electric energy supplied to the customer-generator in accordance with the terms and conditions of the retail electric supplier;

(3) If the quantity of electric energy delivered by the customer-generator to the retail electric supplier exceeds the quantity of electric energy supplied by the retail electric supplier during the billing period, then the customer generator:"; and

Further amend said bill, Page 6, Section 386.887, Line 5 of said page, by inserting at the end of said line the following: "Customer-generators with a generation capacity less than forty kilowatts shall not be required to have time of use metering installed or be required to pay for additional tests or analysis of the effect of the operation of the qualified net metering unit on the local distribution system."; and further amend line 13 of said page, by inserting after the word "that" the following: "plans for"; and further amend said line, by striking the word "meets" and inserting in lieu thereof the word "meet".

Senator Dougherty moved that the above amendment be adopted.

Senator Singleton assumed the Chair.

At the request of Senator Childers, **SB 1100**, with **SS** and **SA 3** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1648, regarding the death of Dick B. Dale, Jr., Richmond, which was adopted.

On motion of Senator Kenney, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 1281**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

May 1, 2002

Ms. Terry L. Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65102

Dear Ms. Spieler:

I am hereby requesting the Senate to return House Substitute for House Committee Substitute for House Bill No. 1936 to the House.

This bill was defeated in the House on April 30, 2002, and inadvertently delivered to the Senate on that day.

I appreciate your immediate attention to this matter.

Sincerely,

/s/ Ted Wedel

Ted Wedel

House Chief Clerk/Administrator

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1768** and has taken up and passed **HB 1768**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1307**, entitled:

An Act to amend chapter 306, RSMo, by adding thereto three new sections relating to boating safety, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 1063** and **SB 827**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1063** and **827**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1063 and 827

An Act to repeal section 192.667, RSMo, and to enact in lieu thereof seventeen new sections relating to health care cost containment measures, with penalty provisions.

Was taken up.

Senator Rohrbach moved that **SCS** for **SBs 1063** and **827** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **SBs 1063** and **827**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1063 and 827

An Act to repeal section 192.667, 354.085, 354.405 and 354.603, RSMo, and to enact in lieu thereof eight new sections relating to health care cost containment measures, with penalty provisions.

Senator Rohrbach moved that **SS** for **SCS** for **SBs 1063** and **827** be adopted.

Senator Singleton offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for SBs 1063 and 827, Page 21, Section 376.1600, Line 24, by adding immediately following said line, the following:

"(7) One physician, licensed pursuant to chapter 334, RSMo, who is actively practicing medicine in this state and is not an employee of a hospital."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1063 and 827, Page 4, Section 192.667, Line 16, by inserting after all of said line the following:

"334.113. 1. As used in this section, a "covenant not to compete" means an agreement or part of a contract of employment in which the covenantee agrees for a specific period of time and within a particular area to refrain from competition with the covenantor.

2. A covenant not to compete is not enforceable if it is ancillary to or part of an otherwise enforceable agreement with a not-for-profit hospital organized under chapter 81, 82, 96, 205, 206 or 355, RSMo.

3. Except as provided in subsection 2 of this section, a covenant not to compete is enforceable against a person licensed as a physician by the Missouri state board of registration for the healing arts pursuant to this chapter if it is ancillary to or part of an otherwise enforceable agreement with a health carrier as defined in section 376.1350, RSMo, at the time the agreement is made to the extent that it contains limitations as to time, geographical area, and scope of activity to be restrained that are reasonable and do not impose a greater restraint than is necessary to protect the goodwill or other business interest of the physician.

4. A covenant entered into pursuant to this section shall:

(1) Not deny the physician access to a list of his patients whom he had seen or treated within one year of termination of the contract or employment;

(2) Provide access to medical records of the physician's patients upon authorization of the patient and any copies of medical records for a reasonable fee pursuant to section 191.227, RSMo;

(3) Provide that any access to a list of patients or to patients' medical records after termination of the contract or employment shall be provided in the format that such records are maintained except by mutual consent of the parties to the contract;

(4) Provide for a buy out of the covenant by the physician at a reasonable price or, at the option of either party, as determined by a mutually agreed upon arbitrator whose decision shall be binding on the parties or, in the case of an inability to agree, an arbitrator of the court whose decision shall be binding on the parties; and

(5) Permit the physician to provide continuing care and treatment to a specific patient or patients during the course of an acute illness even after the contract or employment has been terminated.

5. This section applies to a covenant entered into on or after August 28, 2002."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1063 and 827, Page 15, Section 376.429, Line 13, by adding after the word "phase" "II,".

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SB 1063** and **SB 827**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 992**, entitled:

An Act to repeal section 447.721, RSMo, and to enact in lieu thereof two new sections relating to property development.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1210**, entitled:

An Act to repeal sections 92.327 and 92.336, RSMo, relating to taxes for the promotion of tourism, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 695**, entitled:

An Act to repeal section 210.170, RSMo, and to enact in lieu thereof one new section relating to the children's trust fund board.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 962**, entitled:

An Act to repeal section 115.507, RSMo, and to enact in lieu thereof one new section relating to the certification of election results.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1078**, entitled:

An Act to repeal sections 59.800 and 400.9-525, RSMo, and to enact in lieu thereof two new sections relating to the recording fees.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1119**, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to security of state owned buildings.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1212**, entitled:

An Act to repeal sections 41.150 and 41.948, RSMo, and to enact in lieu thereof two new sections relating to military forces.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1041**.

With House Committee Amendments Nos. 1, 2, and 3.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1041, Page 1, In the Title, by deleting all of said title and inserting in lieu thereof the following:

"To authorize the conveyance of property owned by the state."; and

Further amend said bill, Page 1, Section 1, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"Section 1. 1. The department of natural resources is hereby"; and

Further amend said bill, Page 3, Section 2, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"2. In consideration for the conveyance in subsection 1 of section 1 of"; and

Further amend said bill, Page 4, Section 3, Line 1, by deleting all of said line and inserting in lieu thereof the

following:

"3. The attorney general shall approve the form of the"; and

Further amend said bill, Page 4, Section 3, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in the County of Cole to the department of natural resources. The property to be conveyed is more particularly described as follows:

Part of the East Half of the Southwest Quarter, and part of the West Half of the Southeast of Quarter of Section 13, Township 45 North, Range 13 West, Cole County, Missouri, more particularly described as follows:

BEGINNING at the northwest corner of the East Half of the Southwest Quarter of the aforesaid Section 13, Township 45 North, Range 13 West; thence S88 18'32"E, along the Quarter Section Line, 1328.87 feet to the Center of said Section 13; thence continuing S88 18'32"E, along the Quarter Section Line, 277.59 feet to a point intersecting the southerly line of the 100 foot wide Missouri Pacific Railroad right-of-way; thence S49 23'55"E, along the southerly line of said Railroad Right-of-way, 191.44 feet to the center of an existing field road; thence along the center of said field road the following courses: Southwesterly, on a curve to the left, having a radius of 270.00 feet, an arc distance of 86.87 feet, (the chord of said curve being S26 47'07"W, 86.50 feet); thence S17 34'03"W, 80.68 feet; thence Southerly, on a curve to the left, having a radius of 125.00 feet, an arc distance of 142.57 feet, (the chord of said curve being S15 06'27"E, 134.97 feet); thence S47 46'57"E, 326.12 feet; thence S49 41'43"E, 399.15 feet; thence Southerly, on a curve to the right, having a radius of 130.00 feet, an arc distance of 143.08 feet, (the chord of said curve being S18 09'54"E, 135.97 feet); thence S13 21'56"W, 534.20 feet to a point on the northerly line of the

Missouri State Highway 179 Right-of-way; thence leaving the center of the aforesaid field road, along the northerly line of said Missouri State Highway 179 Right-of-way, the following courses: Westerly, on a curve to the left, having a radius of 995.40 feet, an arc distance of 182.61 feet, (the chord of said curve being, N86 14'50"W, 182.36 feet); thence S88 45'26"W, 95.47 feet; thence Westerly, on a curve to the left, having a radius of 1000.40 feet, an arc distance of 104.71 feet, (the chord of said curve being S80 01'19"W, 104.66 feet); thence S71 17'13"W, 95.47 feet; thence S66 08'20"W, 291.10 feet; thence S66 08'20"W, 291.10 feet; thence Westerly, on a curve to the right, having a radius of 915.40 feet, an arc distance of 997.80 feet (the chord of said curve being N82 38'05"W, 949.13 feet); thence N51 24'30"W, 336.30 feet; thence N38 35'30"E, 45.00 feet; thence N62 43'06"W, 229.46 feet; thence N51 24'30"W, 12.26 feet to a point intersecting the west line of the East Half of the Southwest Quarter of the aforesaid Section 13, Township 45 North, Range 13 West; thence leaving said Missouri State Highway 179 Right-of- way line, N1 01 0'35"E, along the Quarter Quarter Section Line, 1294.07 feet to the POINT OF BEGINNING.

Containing 77.28 Acres.

2. The conveyance is subject to an easement in favor of the state of Missouri for ingress and egress to the property retained by the state of Missouri.

3. The consideration for the conveyance shall be one dollar.

4. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 1041, Page 1, In the Title, Line 1, by deleting the words "department of natural resources to private ownership" and inserting in lieu thereof the following: **"state"**; and

Further amend said bill, Page 1, Section 1, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"Section 1. 1. The department of natural resources is hereby"; and

Further amend said bill, Page 3, Section 2, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"2. In consideration for the conveyance in section 1 of"; and

Further amend said bill, Page 4, Section 3, Line 1, by deleting the word **"Section"**; and

Further amend said bill, Page 4, Section 3, Line 2, by inserting after all of said line the following:

"Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in the County of Cole to the General Services Administration or the Missouri development finance board. The property to be conveyed is more particularly described as follows:

All of Inlots 187 and 188; All of Inlots 191 thru 200 inclusive; All of Inlots 225 thru 229; All that part of the Hough Street Right-of-way (previously vacated by Jefferson City Ordinance No. 3256); All that part of the Marshall Street Right-of-way lying north of the northerly line of State Street and south of the Missouri Pacific Railroad; All that part of the Lafayette Street Right-of-way (previously vacated by Jefferson City ordinance no. 3256); All that part of a 20 foot wide public alley lying between Marshall Street and Lafayette Street (previously vacated by Jefferson City Ordinance No. 3256); All that part of a 20 foot wide public alley, lying east of the easterly line of Inlots 185 and 190 and west of the westerly line of the Marshall Street Right-of-way; any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 187 & 188, any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 225 thru 229 inclusive; according to the plat of the City of Jefferson, Missouri and according to the Government Land Office Plat of Township 44 North, Range 11 West, dated December 6, 1861. All of the aforesaid lies within Fractional Section 8 of said Township 44 North, Range 11 West, and within the Corporate Limits of the City of Jefferson, Cole County, Missouri, more particularly described as follows:

BEGINNING at the southwesterly corner of Inlot 191; thence N42°18'12"E, along the westerly line of said Inlot 191 and along the northerly extension thereof, 218.46 feet to a point intersecting the northerly line of a 20 foot wide alley at the southwest corner of Inlot 186; thence S4741'48"E, along the northerly line of said alley, 69.58 feet to the southwesterly corner of Inlot 187; thence N4218'12"E, along the westerly line of said Inlot 187 and the northerly extension thereof, 259.20 feet; thence S6813'57"E, 766.53 feet to a point intersecting the easterly line of the aforesaid vacated Lafayette Street Right-of-way; thence S4215'04"W, along the easterly line of said vacated Lafayette Street Right-of-way, 746.58 feet to a point intersecting the northerly line of the State Street Right-of-way (formerly Water Street); thence N4742'13"W, along the northerly line of said State Street Right-of-way, 539.62 feet to a point in the center of the Marshall Street Right-of-way; thence N4740'29"W, along the northerly line of said State Street Right-of-way, 248.46 feet to the POINT OF BEGINNING.

2. Consideration for the conveyance shall be the transfer of property of like value to the state of Missouri.

3. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE COMMITTEE AMENDMENT NO. 3

Amend Senate Bill No. 1041, Page 1, In the Title, by deleting all of said title and inserting in lieu thereof the following:

"To authorize the conveyance of property owned by the state."; and

Further amend said bill, Page 1, Section 1, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"Section 1. 1. The department of natural resources is hereby"; and

Further amend said bill, Page 3, Section 2, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"2. In consideration for the conveyance in subsection 1 of section 1 of"; and

Further amend said bill, Page 4, Section 3, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"3. The attorney general shall approve the form of the"; and

Further amend said bill, Page 4, Section 3, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"Section 2. 1. In the event that a tract of real property described in this subsection is conveyed to the state, the governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in such property to the Gingerbread House, Inc. The property to be conveyed is more particularly described as follows:

A fractional part of Lot 119 of the Railroad Addition in Rolla, Missouri, and more particularly described as follows: Commencing at the NW corner of said Lot 119, thence S. 043' W., 30.0 feet to the S. line of Gale Drive, thence N. 8853' E., 311.92 feet along said S. street line, thence S. 052' W., 325.0 feet, thence N. 8853' E., 119.10 feet to the true point of beginning of the tract hereinafter described; thence N. 8853' E., 188.90 feet to the W. line of Fairgrounds Road, thence S. 052' W., 242.0 feet along said W. line of Fairgrounds Road, thence S. 8907' W., 188.87 feet, thence N. 052' E., 241.19 feet to the true point of beginning. Above tract contains 1.10 acres +. This survey is recorded in Phelps County Surveyor's Records in Book "I" at Page S-6038, dated August 30th, A.D. 1982, made by R. L. Elgin & Associates, Engineers & Surveyors, Rolla, Missouri.

(Note: This excepted parcel of 1.10 acres is the same parcel now occupied by Gingerbread House, Inc., and is also the same parcel of land heretofore mortgaged by said Gingerbread House, Inc., as 1st party or grantor or trustor to Milton J. Schnebelen as 2nd party or Trustee for COMMERCE BANK OF BONNE TERRE as 3rd party or beneficiary or cestui que trust, via that certain Deed of Trust dated Sept. 7th, 1982, filed Sept. 10, 1982, in Trust Deed Book 239 at Page 63 of Phelps County trust deed records.)

2. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1168**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1168, Page 1, In the Title, Line 1, by deleting the words "certain property to the city of

Lebanon" and inserting in lieu thereof the following: "property owned by the state"; and

Further amend said bill, Page 2, Section 1, Line 33, by inserting after all of said line the following:

"Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in the County of Cole to the General Services Administration or the Missouri development finance board. The property to be conveyed is more particularly described as follows:

All of Inlots 187 and 188; All of Inlots 191 thru 200 inclusive; All of Inlots 225 thru 229; All that part of the Hough Street Right-of-way (previously vacated by Jefferson City Ordinance No. 3256); All that part of the Marshall Street Right-of-way lying north of the northerly line of State Street and south of the Missouri Pacific Railroad; All that part of the Lafayette Street Right-of-way (previously vacated by Jefferson City ordinance no. 3256); All that part of a 20 foot wide public alley lying between Marshall Street and Lafayette Street (previously vacated by Jefferson City Ordinance No. 3256); All that part of a 20 foot wide public alley, lying east of the easterly line of Inlots 185 and 190 and west of the westerly line of the Marshall Street Right-of-way; any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 187 & 188, any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 225 thru 229 inclusive; according to the plat of the City of Jefferson, Missouri and according to the Government Land Office Plat of Township 44 North, Range 11 West, dated December 6, 1861. All of the aforesaid lies within Fractional Section 8 of said Township 44 North, Range 11 West, and within the Corporate Limits of the City of Jefferson, Cole County, Missouri, more particularly described as follows:

BEGINNING at the southwesterly corner of Inlot 191; thence N4218'12"E, along the westerly line of said Inlot 191 and along the northerly extension thereof, 218.46 feet to a point intersecting the northerly line of a 20 foot wide alley at the southwest corner of Inlot 186; thence S4741'48"E, along the northerly line of said alley, 69.58 feet to the southwesterly corner of Inlot 187; thence N4218'12"E, along the westerly line of said Inlot 187 and the northerly extension thereof, 259.20 feet; thence S6813'57"E, 766.53 feet to a point intersecting the easterly line of the aforesaid vacated Lafayette Street Right-of-way; thence S4215'04"W, along the easterly line of said vacated Lafayette Street Right-of-way, 746.58 feet to a point intersecting the northerly line of the State Street Right-of-way (formerly Water Street); thence N4742'13"W, along the northerly line of said State Street Right-of-way, 539.62 feet to a point in the center of the Marshall Street Right-of-way; thence N4740'29"W, along the northerly line of said State Street Right-of-way, 248.46 feet to the POINT OF BEGINNING.

2. Consideration for the conveyance shall be the transfer of property of like value to the state of Missouri.

3. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1251**, entitled:

An Act to amend chapter 333, RSMo, by adding thereto one new section relating to designating a next of kin for funeral purposes.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HCS** for **SB 714**, entitled:

An Act to repeal section 190.500, RSMo, relating to the declaration of a state public health emergency, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 932**, entitled:

An Act to repeal sections 250.140 and 535.081, RSMo, and to enact in lieu thereof two new sections relating to notice provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1094**, entitled:

An Act to repeal section 198.439, RSMo, and to enact in lieu thereof two new sections relating to long-term care programs.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1102**, entitled:

An Act to repeal section 191.680, RSMo, and to enact in lieu thereof one new section relating to nuisance.

In which the concurrence of the Senate is respectfully requested.

Senator Kenney moved that the Senate return to the House **HS** for **HCS** for **HB 1936** pursuant to its request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 1266**; **SJR 24**; and **SB 713**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1649, regarding KFVS Television Channel 12, Cape Girardeau, which was adopted.

Senator Foster offered Senate Resolution No. 1650, regarding Misty Dawn George, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 1651, regarding Hollie Pfeffer, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 1652, regarding Briah Gardner, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 1653, regarding Maranda Suzette Alford, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 1654, regarding Brittney Jo Brigman, Campbell, which was adopted.

Senator Foster offered Senate Resolution No. 1655, regarding Amber Danyelle Young, Holcomb, which was adopted.

Senator Foster offered Senate Resolution No. 1656, regarding Sara Beth Byrd, Holcomb, which was adopted.

Senator Foster offered Senate Resolution No. 1657, regarding Courtney Shipman, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 1658, regarding Jo Carol Carter, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 1659, regarding Elizabeth "Liz" McCrackin, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 1660, regarding Brittany Fincher, Kennett, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Westfall and herself, Senator Bentley introduced to the Senate, Tobias and Madonna Meeker, Springfield.

On behalf of Senator Johnson and himself, Senator Kenney introduced to the Senate, Robert and Bobby Zornes, Platte County; and Bobby was made an honorary page.

Senator Kenney introduced to the Senate, Mike and Tonya Smith and Jean and John Smith, Lee's Summit.

Senator Caskey introduced to the Senate, his brother, Robert Caskey and his wife, Alice, Windsor.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Jerry Moritz, M.D., St. Louis.

Senator Kennedy introduced to the Senate, Doug and JoAnne Lang, Affton.

On behalf of Senator Kenney and himself, Senator Wiggins introduced to the Senate, Mayor Sue Frank, Raytown.

Senator Schneider introduced to the Senate, 80 sixth, seventh and eighth grade students from Good Shephard School, St. John School and St. James School, North County St. Louis; and Faith Lorhan was made an honorary page.

Senator Caskey introduced to the Senate, Jeff Mehlenbacher, Cindy Lyon, Linda Ziegelmann and 125 seventh grade students and sponsors from Yeokum Middle School, Belton.

Senator Steelman introduced to the Senate, Christina Rich and representatives of Montgomery County Youth EXCEL.

Senator Gibbons introduced to the Senate, students from Rohan Woods School, Warson Woods.

Senator Kenney introduced to the Senate, his wife, Sandi, Lee's Summit.

On behalf of Senator Quick, Senator Kenney introduced to the Senate, Mayor Bill Cross, Councilman Wayne Beer and City Manager Kirk Davis, Gladstone.

Senator Bentley introduced to the Senate, representatives of Girl Scout Legislative Day: Sue McClennan and Carol Trump, Girl Scouts of the Becky Thatcher Area, Hannibal; Cynthia Weber and June Chen, Girl Scouts-Cotton Boll Area Council, Sikeston; Anne Soots and Fred Rosenberger, Girl Scouts of Dogwood Trails, Springfield; Theresa Loveless, Merrily Goldsmith and Kathy Dabrowski, Girl Scout Council of Greater St. Louis; Jan Yamnitz, Roberta

Henson and Constance Bearnes, Girl Scouts-Heart of Missouri Council, Jefferson City; Debbie Zabica, Trecla Deterich and Renee Holmes, Girl Scouts of the Midland Empire, St. Joseph; and Denise Stewart and Laura Hinkebein, Girl Scouts of Otahki Council, Cape Girardeau.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Thursday, May 2, 2002.

SENATE CALENDAR

SIXTY-FOURTH DAY-THURSDAY, MAY 2, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1460-Hilgemann

HCS for HB 1695

HS for HCS for HBs 1729,

1589 & 1435-Barnitz

HCS for HJR 51

HCS for HJR 47

HB 1726-Walton, et al

HB 1350-Liese

HCS for HB 1216

HCS for HB 1656

HB 1627-Kreider

HS for HCS for HB 1650-

Hoppe

HS for HCS for HBs 1577,
1760, 1433, 1430, 1029
& 1700-Britt

HS for HB 1307-Williams

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SS#2 for SCS for SB 1152-
Klarich

(In Budget Control)

SCS for SB 1266-Kenney

SJR 24-Johnson

SB 713-Singleton

SENATE BILLS FOR PERFECTION

SB 1281-Russell and Goode

HOUSE BILLS ON THIRD READING

1. HB 1953-Van Zandt, et
al, with SCS (Singleton)
2. HB 1446-Luetkenhaus,
with SCS (Kenney)

3. HCS for HB 1888, with
SCS (Klarich)
4. HBs 1270 & 2032-Gratz,
with SCS (Westfall)
5. HB 1712-Monaco, et al,
with SCS (Klarich)
6. HS for HB 1994-Hosmer
(Bentley)
7. HCS for HB 1443, with
SCS (Gibbons)
(In Budget Control)
8. HB 1041-Myers, with
SCS (Foster)
9. HB 1600-Treadway
(Mathewson)
10. HB 2008-O'Connor,
with SCS (Kenney)
11. HS for HCS for
HB 1532-Hoppe,
with SCS (Gross)
12. HB 1348-Myers, et al,
with SCS (Foster)
13. HB 1402-Burton, et al,
with SCS (Steelman)
14. HB 2023-Franklin,
with SCA 1 (Foster)
15. HB 1086-Harlan, with
SCS (House)
16. HB 1926-Fraser, et al

(Quick)

(In Budget Control)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al, with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and
Kinder, with SCS

SBs 766, 1120 & 1121-
Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with
SCS, SS for SCS & SA 4
(pending)

SB 926-Kenney, et al, with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al,
with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al,
with SCS

SB 1046-Gross and House,
with SCS (pending)

SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach
and Kenney, with SCS,
SS for SCS & SA 3
(pending)

SB 1087-Gibbons, et al,
with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,
with SS and SA 3 (pending)

SB 1103-Westfall, et al,
with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS, SS#2 for SCS,
SA 7, SSA 1 for SA 7
& SA 1 to SSA 1 for SA 7
(pending)

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,
with SCS (pending)
(Coleman)

HB 1895-Carnahan, et al
(Jacob)

HB 1078-Whorton, et al,
with SCS (pending)
(Mathewson)

HB 1811-Gambaro, with SCS
(pending) (Dougherty)

HB 1839-Seigfreid (Mathewson)

HB 1849-Barnitz and
Overschmidt, with SCS
(Steelman)

HB 1861-Burcham (Staples)

HB 1982-Richardson (Foster)

HB 2002-Farnen and Naeger

(Caskey)

HB 2018-Bartle, et al (Kenney)

HB 2039-Kreider (Stoll)

HB 2064-Walton, et al (Goode)

HB 2130-Boykins, et al

(Coleman)

HB 2047-Ransdall, et al,

with SCS (Mathewson)

HB 2022-Richardson, with

SCS (Stoll)

HB 1973-Bowman (Schneider)

HB 1515-Burton (Bentley)

HB 1477-Farnen, with SCS

(Klindt)

HB 1964-Gambaro, with SCS

(Yeckel)

HB 1635-Hoppe, with SCS

(Wiggins)

HB 2009-O'Connor, with

SCS (Kenney)

HB 1838-Hosmer (Caskey)

HB 1085-Mays (50) (Quick)

HB 1548-Barry, with SCS (Sims)

HB 1812-Riback Wilson (Sims)

HB 1781-Green (73) and

Ladd Baker (Russell)

HB 1783-Lowe, et al, with

SCS (Rohrbach)

HB 1636-Hoppe, with SCS

(Wiggins)

HB 1840-Seigfreid (Mathewson)

HB 1032-Portwood (Steelman)

HB 1313-Burton, with SCS

(Foster)

HB 1937-Barry, with SCA 1

(Singleton)

HB 1776-Harlan, with SCS

HB 2001-Hegeman, et al

(Foster)

HB 1921-Green (73), with

SCS (Klarich)

HB 2117-Boucher (Caskey)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus

(Yeckel)

HB 1342-Farnen (Yeckel)

(In Budget Control)

HB 1668-Holt, et al (House)

HB 1822-Walton (Yeckel)

HB 1492-Seigfreid, with

SCS (Mathewson)

HB 1495-Seigfreid, with

SCS (Mathewson)

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al,
with SCS (Foster)
HB 1674-O'Toole and
Dempsey (Stoll)
HB 1890-Hilgemann, et al,
with SCS (Gross)
HB 1518-Luetkenhaus
(Rohrbach)
HB 1568-Luetkenhaus, with
SCS (Rohrbach)
HB 1381-Luetkenhaus, with
SCS (Rohrbach)
HB 1701-Luetkenhaus and
Ward, with SCS (Rohrbach)
HB 1468-Ward, with SCS
(Loudon)

HB 1473-Green (15), et al,
with SCS (House)

HB 1918-Koller, with SCS
(Staples)

HBs 1093, 1094, 1159, 1204,
1242, 1272, 1391, 1397, 1411,
1624, 1632, 1714, 1755, 1778,
1779, 1852, 1862, 2025 &
2123-Relford and Seigfreid,
with SCS (Mathewson)
HBs 1141, 1400, 1645,

1745 & 2026-Naeger,

with SCS (Yeckel)

HBs 1205, 1214, 1314, 1320,

1504, 1788, 1867 & 1969-

Seigfreid and Relford, with

SCS (Mathewson)

HB 1075-Nordwald (House)

HB 2062-Hosmer, et al

(Westfall)

HB 1789-Ross, et al, with

SCS (Klarich)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SB 695-Dougherty and Sims,

with HCS

SB 714-Singleton, with HCS

SB 749-Goode, with HCS

SCS for SB 776-House, with HCS

SB 786-Goode, with HCS

SB 795-Schneider, with HCS

SB 932-Klarich, with HCS

SB 961-Wiggins, et al, with HCS

SB 962-Wiggins, with HCS

SB 992-Johnson, with HCS

SB 1012-Caskey, with HCS

SB 1041-Russell, with

HCA's 1, 2 & 3

SB 1078-Kennedy, with HCS

SCS for SBs 1086 & 1126-

DePasco, with HCS

SB 1094-Russell, with HCS

SB 1102-Westfall, with HCS

SCS for SB 1113-Caskey,

with HCS

SB 1119-Johnson, with HCS

SB 1168-Russell, with HCA 1

SCS for SB 1210-Johnson,

with HCS

SCS for SB 1212-Mathewson,

with HCS

SB 1213-Mathewson, with HCS

SB 1244-Bland, et al, with HCS

SB 1251-Gibbons, with HCS BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1101, with SCS

(Russell)

HCS for HB 1102, with SCS,

as amended (Russell)

HCS for HB 1103, with SCS,

as amended (Russell)

HCS for HB 1104, with SCS,

as amended (Russell)

HCS for HB 1105, with SCS

(Russell)

HCS for HB 1106, with SCS

(Russell)

HCS for HB 1107, with SCS,

as amended (Russell)

HCS for HB 1108, with SCS

(Russell)

HCS for HB 1109, with SCS

(Russell)

HCS for HB 1110, with SCS

(Russell)

HCS for HB 1111, with SCS,

as amended (Russell)

HCS for HB 1112, with SCS

(Russell)

HCS for HB 1711, with SAs

1, 2, 3, 4, 5, 6, 7, 8 & 11

(Jacob)

Requests to Recede or Grant Conference

HB 2120-Ridgeway and

Hosmer, with SCS (Gibbons)

(House requests Senate
recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1602-Klarich, with SS

(pending) Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11 (House)

SCR 60-Kennedy, with SCS

(pending)

SCR 57-Steelman, with SCS

(pending)

SCR 66-Loudon

HCR 13-Bowman, et al

HCR 16-Farnen, et al

HCR 24-Kreider

MISCELLANEOUS

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY--THURSDAY, MAY 2, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"...but for me and my household, we will serve the Lord." (Joshua 24:15b)

Gracious God, the time has come for decisions to be made in spite of competing concerns and issues. We want to serve only You and to align ourselves with Your good purposes. Give us the courage and strength to make the right decisions as those who have gone before us and faithfully served only You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KSDK-TV, KMBC-TV, KOMU-TV, KRCG-TV, KPLR-TV, KTVI-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

HOUSE BILLS ON THIRD READING

HB 1895, introduced by Representative Carnahan, et al, entitled:

An Act to repeal section 43.518, RSMo, and to enact in lieu thereof one new section relating to the criminal records and justice information advisory committee.

Was called from the Consent Calendar and taken up by Senator Jacob.

On motion of Senator Jacob, **HB 1895** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins--27	
NAYS--Senators--None			
Absent--Senators			
Bentley	Coleman	Quick	Singleton
Yeckel--5			
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1839, introduced by Representative Seigfreid, entitled:

An Act to repeal section 233.160, RSMo, and to enact in lieu thereof one new section relating to dissolution of special road districts.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 1839** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Schneider	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Childers	Coleman	Rohrbach	Sims--4

Absent with leave--Senators
Bland DePasco--2

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1849, with **SCS**, introduced by Representatives Barnitz and Overschmidt, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Crawford to the county commission of Crawford county.

Was called from the Consent Calendar and taken up by Senator Steelman.

SCS for **HB 1849**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1849

An Act to authorize the conveyance of property owned by the state in the county of Crawford to the county commission of Crawford County, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **HB 1849** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **HB 1849** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Singleton	Staples
Stelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None		
Absent--Senators		
Coleman	Rohrbach	Sims--3
Absent with leave--Senators		
Bland	DePasco--2	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers

Dougherty	Foster	Gibbons	Goode
Gross	House	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Coleman	Jacob	Johnson	Rohrbach--4
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Absent with leave--Senators

Bland	DePasco--2
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On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1861, introduced by Representative Burcham, entitled:

An Act to authorize the conveyance of property owned by the state in the County of St. Francois to the Habitat for Humanity of St. Francois County.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **HB 1861** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Coleman	Quick	Rohrbach--3
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Absent with leave--Senators

Bland	DePasco--2
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The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1982, introduced by Representative Richardson, entitled:

An Act to repeal section 53.135, RSMo, and to enact in lieu thereof one new section relating to travel expenses for assessors in certain counties.

Was called from the Consent Calendar and taken up by Senator Foster.

On motion of Senator Foster, **HB 1982** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Coleman	Schneider	Singleton	Staples--4
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2002, introduced by Representatives Farnen and Naeger, entitled:

An Act to repeal sections 58.260, 58.270, 58.310, 58.330, 58.340, and 58.360, RSMo, and to enact in lieu thereof six new sections relating to coroners inquests.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 2002** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Coleman	Jacob	Singleton	Staples--4
Absent with leave--Senators			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2018, introduced by Representative Bartle, et al, entitled:

An Act to repeal section 137.245, RSMo, and to enact in lieu thereof one new section relating to tax books for school districts.

Was called from the Consent Calendar and taken up by Senator Kenney.

On motion of Senator Kenney, **HB 2018** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Staples--2		
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HB 2039, introduced by Representative Kreider, entitled:

An Act to amend chapter 229, RSMo, by adding thereto one new section relating to memorial streets and roads.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HB 2039** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson

Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Coleman--1		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2064, introduced by Representative Walton, et al, entitled:

An Act to amend chapter 92, RSMo, by adding thereto one new section relating to deeds on real property sold at tax foreclosure sales.

Was called from the Consent Calendar and taken up by Senator Goode.

Senator Gross assumed the Chair.

On motion of Senator Goode, **HB 2064** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Gross--1		
	Absent--Senator Staples--1		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2130, introduced by Representative Boykins, et al, entitled:

An Act to repeal section 137.495, RSMo, and to enact in lieu thereof one new section relating to tangible personal property listings.

Was called from the Consent Calendar and taken up by Senator Coleman.

On motion of Senator Coleman, **HB 2130** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Johnson	Staples--2		
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2047, with **SCS**, introduced by Representative Ransdall, et al, entitled:

An Act to repeal section 41.948, RSMo, and to enact in lieu thereof one new section relating to public higher education students called to active military service.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **HB 2047**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2047

An Act to repeal sections 41.150 and 41.948, RSMo, and to enact in lieu thereof two new sections relating to military forces.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 2047** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 2047** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn

Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Johnson Staples--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2022, with **SCS**, introduced by Represen-tative Richardson, entitled:

An Act to repeal section 178.870, RSMo, and to enact in lieu thereof one new section relating to increases and decreases of certain tax rates.

Was called from the Consent Calendar and taken up by Senator Stoll.

SCS for **HB 2022**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2022

An Act to repeal section 178.870, RSMo, relating to increases and decreases of certain tax rates, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **HB 2022** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **HB 2022** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

ColemanQuickStaples--3

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1973, introduced by Representative Bowman, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to economics and personal finance education.

Was called from the Consent Calendar and taken up by Senator Schneider.

On motion of Senator Schneider, **HB 1973** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Quick	Staples--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1515, introduced by Representative Burton, entitled:

An Act to repeal section 160.360, RSMo, and to enact in lieu thereof one new section relating to the awarding of honorary high school diplomas to certain civilian prisoners of war and veterans.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 1515** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons

Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Kinder	Staples--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1477, with **SCS**, introduced by Representative Farnen, entitled:

An Act to repeal sections 360.106, 360.111, 360.112, 360.113, 360.114, 360.116, and 360.118, RSMo, and to enact in lieu thereof seven new sections relating to the Missouri health and educational facilities act.

Was called from the Consent Calendar and taken up by Senator Klindt.

SCS for **HB 1477**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1477

An Act to repeal sections 360.106, 360.111, and 360.112, RSMo, and to enact in lieu thereof three new sections relating to the Missouri health and educational facilities act.

Was taken up.

Senator Klindt moved that **SCS** for **HB 1477** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HB 1477** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Dougherty	Loudon	Schneider
Staples--5			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1964, with **SCS**, introduced by Represen-tative Gambaro, entitled:

An Act to repeal section 339.010, RSMo, and to enact in lieu thereof one new section relating to the selling of real estate.

Was called from the Consent Calendar and taken up by Senator Yeckel.

SCS for **HB 1964**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1964

An Act to repeal sections 339.010, 339.710, 339.720 and 339.770, RSMo, and to enact in lieu thereof four new sections relating to the selling of real estate.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 1964** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HB 1964** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Schneider	Staples--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1635, with **SCS**, introduced by Represen-tative Hoppe, entitled:

An Act to repeal section 393.130, RSMo, and to enact in lieu thereof one new section relating to water corporations.

Was called from the Consent Calendar and taken up by Senator Wiggins.

SCS for **HB 1635**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1635

An Act to repeal section 393.130, RSMo, relating to deposits for water service, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 1635** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HB 1635** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins--29			
NAYS--Senators--None			
Absent--Senators			
Coleman	Dougherty	Staples	Yeckel--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2009, with **SCS**, introduced by Represen-tative O'Connor, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to requirements for licensure of motor vehicle dealers, manufacturers, and auctions.

Was called from the Consent Calendar and taken up by Senator Kenney.

SCS for **HB 2009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2009

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to requirements for licensure of motor vehicle dealers, manufacturers, and auctions.

Was taken up.

Senator Kenney moved that **SCS** for **HB 2009** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **HB 2009** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Westfall	Wiggins--27	
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Kennedy	Singleton	Staples
Stoll	Yeckel--6		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HB 1838, introduced by Representative Hosmer, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to licensure of motor vehicle and watercraft dealers.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 1838** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins--30		
	NAYS--Senators--None		
	Absent--Senators		

Coleman Singleton Yeckel--3
Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1548, with **SCS**, introduced by Represen-tative Barry, entitled:

An Act to repeal section 191.925, RSMo, and to enact in lieu thereof one new section relating to the newborn hearing screening program.

Was called from the Consent Calendar and taken up by Senator Sims.

SCS for **HB 1548**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1548

An Act to repeal section 191.925, RSMo, and to enact in lieu thereof one new section relating to newborn hearing screening program.

Was taken up.

Senator Sims moved that **SCS** for **HB 1548** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **HB 1548** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1812, introduced by Representative Riback Wilson (25), entitled:

An Act to repeal section 192.323, RSMo, and to enact in lieu thereof one new section relating to the health document services fund.

Was called from the Consent Calendar and taken up by Senator Sims.

On motion of Senator Sims, **HB 1812** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Goode	Jacob
Johnson	Quick--6		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 1281** be taken up for perfection, which motion prevailed.

At the request of Senator Russell, **SB 1281** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1103**, as amended.
Represen-tatives: Green (73), Graham, Wilson (42), Bearden, Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1104**, as amended.
Represen-tatives: Green (73), Bonner, Bray, Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HCS** for **SCS** for **SB 947**, entitled:

An Act to repeal sections 178.870, 360.106, 360.111, and 360.112, RSMo, and to enact in lieu thereof five new sections relating to public community colleges.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 980**, entitled:

An Act to repeal section 334.540, RSMo, and to enact in lieu thereof one new section relating to the licensing of physical therapists.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1202**, entitled:

An Act to repeal sections 389.005, 389.610, and 621.015, RSMo, and to enact in lieu thereof six new sections relating to the directives of executive order number 02-03, signed by the governor February 7, 2002, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 758**, entitled:

An Act to repeal section 589.400, RSMo, and to enact in lieu thereof one new section relating to registration of offenders.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 950**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Henry Shaw Ozark Corridor.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1199**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1199, Page 1, Section 227.333, Line 8, by inserting after all of said line the following:

"Section 1. The portion of Ozark County north of U.S. highway 160, east of state routes 5 and 95, south of the Ozark and Douglas County line, and west of the Ozark and Howell County line shall be designated as "Ozark Mills Country"."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 960**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto three new sections relating to the creation of special license plates.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1093**, entitled:

An Act to repeal section 301.131, RSMo, and to enact in lieu thereof one new section relating to historic motor vehicles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 957**, entitled:

An Act to repeal section 301.131, RSMo, and to enact in lieu thereof three new sections relating to license plates, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 737**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1124**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 804**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 639**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1132**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 997**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 708**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 701**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 742**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1247**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1001**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 941**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1217**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 967**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1243**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 974**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 1163**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 891**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1015**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 720**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1071**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1048**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1028**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1814** and has taken up and passed **HB 1814**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 1580** and has taken up and passed **HB 1580**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1846** and has taken up and passed **SCS** for **HB 1846**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1120**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1121**, entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffrey J. Simon, Democrat, 1012 Romany Road, Kansas City, Jackson County, Missouri 64113, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2005, and until his successor is duly appointed and qualified; vice, Delores Hudson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

On motion of Senator Kenney, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

THIRD READING OF SENATE BILLS

SCS for **SB 1266**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1266An Act to repeal sections 149.200, 149.203, 149.206, 149.212 and 149.215, RSMo, relating to sale of cigarettes, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up by Senator Kenney.

On motion of Senator Kenney, **SCS** for **SB 1266** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Sims
Staples	Steelman	Westfall	Wiggins--24
	NAYS--Senators		
Gibbons	Loudon	Stoll	Yeckel--4
	Absent--Senators		
Bentley	Bland	Jacob	Schneider
Singleton--5			
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SJR 24, introduced by Senator Johnson, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

Was taken up.

On motion of Senator Johnson, **SJR 24** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Childers	Coleman	Dougherty
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Staples
Westfall	Wiggins	Yeckel--23	
	NAYS--Senators		
Caskey	Cauthorn	Foster	Gross
Singleton	Steelman	Stoll--7	

Absent--Senators

Bland

Jacob

Schneider--3

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 713, introduced by Senator Singleton, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to physicians.

Was taken up.

On motion of Senator Singleton, **SB 713** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel--27	
	NAYS--Senators		
Caskey	Kennedy	Kenney	Westfall--4
	Absent--Senators		
Jacob	Schneider--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS No. 2** for **SCS** for **SB 1152**; **HB 1342**; **HCS** for **HB 1443**, with **SCS**; and **HB 1926**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its

advice and consent to the following:

Stephen M. Mahfood, Burton A. Boxerman and Scott Burnett, as members of the Second State Capitol Commission;

Also,

John J. Kang, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Javier M. Perez, Jr., as a member of the Board of Police Commissioners for Kansas City;

Also,

Stuart P. Hunt, Marilyn J. Schweitzer, Gerald L. Randall and James B. Chappell, as members of the Board of Election Commissioners for Clay County;

Also,

Patti L. Banks, Kathleen Warman and Robert N. Hartnett, as members of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects;

Also,

Michael B. Smith, as a member of the Jackson County Sports Complex Authority;

Also,

Gilbert G. Adkins, Jr., as a member of the Board of Directors for the American National Fish and Wildlife Museum District;

Also,

Dana Hockensmith, as a member of the Missouri Family Trust Board of Trustees;

Also,

Marilyn K. Bush, as a member of the Missouri Higher Education Loan Authority;

Also,

Joyce M. Theard, as a member of the State Milk Board;

Also,

Tina A. Odo, as a member of the Missouri Public Entity Risk Management Board of Trustees;

Also,

Jun Oizumi, M.D., Ph.D. and Tobias J. T. Meeker, as members of the Missouri Genetic Advisory Committee;

Also,

Douglas Lang, as a member of the Missouri Board of Pharmacy;

Also,

John T. Adams, as a member of the Missouri State Committee of Interpreters;

Also,

John S. Gaal and Brenda J. Wrench, as members of the Missouri Training and Employment Council;

Also,

Jane Overton, as a public member of the State Committee for Social Workers;

Also,

Booker T. Rice and Harvey A. Harris, as members of the Bi-State Development Agency.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SB 1152**, introduced by Senator Klarich, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1152An Act to repeal sections 27.060, 43.540, 50.333, 56.640, 57.290, 59.041, 59.042, 67.133, 143.782, 287.210, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 430.225, 454.505, 455.027, 455.060, 455.067, 455.075, 455.504, 455.508, 476.058, 476.270, 476.320, 476.340, 476.385, 478.725, 483.245, 484.020, 488.005, 488.012, 488.015, 488.020, 488.610, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 511.350, 511.510, 517.141, 517.151, 537.684, 577.051, 589.410, 595.045, 610.106, 610.110, 610.120 and 610.122, RSMo, relating to judicial and administrative procedure and practice, and to enact in lieu thereof sixty-eight new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Klarich, **SS No. 2** for **SCS** for **SB 1152** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Gross--1			
Absent--Senators			
Jacob	Schneider--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 1279, SB 1162 and SB 1164**, with **SCS, SS No. 2 for SCS, SA 7, SSA 1 for SA 7 and SA 1 to SSA 1 for SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to SSA 1 for SA 7 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

SSA 1 for SA 7 was again taken up.

At the request of Senator Gibbons, the above substitute amendment was withdrawn.

SA 7 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

Senator Schneider offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 13, Section 67.2012, Lines 23-27 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(3) Five commissioners shall be appointed by the governor with the advice and consent of the senate. No such commissioner shall be a resident of a United States congressional district that includes all or any portion of the county or the city of St. Louis. At least one such commissioner shall be a retired appellate or circuit court judge who did not leave his or her position as a judge as a result of being defeated in an election or as a result of being retired or removed pursuant to the provision of article V, section 24, Missouri Constitution. At least one such commissioner shall have expertise in contract law. One commissioner shall be an elected state wide office holder, and one commissioner shall be an employee of the executive department who shall serve as the governor's personal representative and who shall serve at the pleasure of the governor. No commissioner, or their immediate family, shall receive, directly or indirectly, any gift, gratuity, political contribution, or other thing of value from any person, corporation, association, or firm which has any financial interest in the team or is a party to the lease as specified in subsection 1 of section 67.2054, RSMo, or who owns any interest in real estate within a sports center redevelopment area, or who undertakes to contract for the improvements of buildings and real estate in a sports center redevelopment area or any contractor or subcontractor who makes and receives bids from the awarding authority on projects within such area. The commissioners shall be subject to the provisions of sections 105.450 to 105.496, RSMo, as appointed officials, and shall carry the additional responsibility of being a fiduciary of the state and shall be charged with the duty of protecting the state's interests with regard to the provisions of this act."

Senator Schneider moved that the above amendment be adopted.

Senator Gross offered **SA 1 to SA 8**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 1 of amendment, Section 67.2012, Line 7, by inserting after the words "**city of St. Louis.**" the following: "**No more than three such commissioners shall be from any one political party.**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

SA 8, as amended, was again taken up.

Senator Schneider moved that the above amendment, as amended, be adopted, which motion prevailed.

Senator Schneider offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 32, Section 67.2033, Line 17 of said page, by inserting after all of said line the following:

"5. The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.

6. The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification."

Senator Schneider moved that the above amendment be adopted.

Senator Kennedy offered **SA 1** to **SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 1, Section 67.2033, Lines 10-14, by deleting all of said lines.

Senator Kennedy moved that the above amendment be adopted.

At the request of Senator Kennedy, **SA 1** to **SA 9** was withdrawn.

SA 9 was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 41, Section 67.2076, Line 5 of said page, by deleting the word "not".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 39, Section 67.2054, Line 22 of said page, by inserting after all of said line the following:

"9. The team shall bear all of the liability for, and shall indemnify the state and the authority for all liability arising out of, the occupation and operation of the stadium and mixed-use facilities, and nothing in this act shall be construed to, and no provision of any agreement implement or entered into under authority of this act shall purport to, give the team any immunity or protection from such liability that the team would not otherwise possess had those facilities been entirely owned by private parties and funded with private dollars."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 39, Section 67.2057, Line 26 of said page, by inserting after all of said line the following:

"67.2059. The attorney general shall assist the governor, the office of administration, and the authority in drafting, and shall be responsible to review and approve the terms of all agreements of any kind implemented or entered into pursuant to sections 67.2000 to 67.2060 for the purpose of ensuring that such agreements are in compliance with the requirements of sections 67.2000 to 67.2060."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 46, Section 67.2150, Line 16 of said page, by inserting after all of said line the following:

"70.853. 1. The new net public fiscal benefit arising from a qualifying project shall be the net additional tax and other revenues accruing to the state and the participating counties and cities, respectively, as a direct or indirect result of the new economic activity generated by the planning, construction, operation and use after January 1, 1989, of such qualifying project and any expansion after January 1, 1989, of a related facility owned or operated by any political subdivision, public agency, public body or other public entity, or any combination thereof, which facility shall be or is being operated jointly with the project. The taxes and other revenues to be included in determining the new net public fiscal benefit shall be net of any revenue caused to be lost or shifted by the project and shall include, but not be limited to, taxes paid by and other revenues derived from employees, independent contractors and other persons and companies engaging or participating in or related to the planning, engineering, construction, ownership, use, leasing and operation of such projects and related facilities, sales taxes attributable to construction of such projects and to ticket, concession and other sales at, or related to, such projects and related facilities, hotel, motel, restaurant and similar taxes as a result of attendance at events at such projects and related facilities or otherwise, and revenue from any indirect increase in economic activity and employment as a result of the construction, ownership, use, leasing and operation of such projects and related facilities.

2. The final determination of the new net public fiscal benefit for each fiscal year of the state and each participating county and city shall be made by the office of administration, with the assistance, if required, of an independent

consultant at the cost of the qualifying project, at the close of each such fiscal year, and shall be based on the new net public fiscal benefit accruing to each of the state and participating counties and cities in such fiscal year of each of them. Such determination shall be made for each of the state and participating counties and cities at the close of the fiscal year in which the planning of the project is commenced and at the close of each such fiscal year thereafter as provided in any contract, agreement, lease or sublease referred to in section 70.851. Any such determination of the new net public fiscal benefit made in accordance with such contract, agreement, lease or sublease and law shall be binding on the parties thereto.

3. The determination of such new net public fiscal benefit shall take into account out-of-state resident use of the projects and related facilities, out-of-state resident spending based on International Association of Convention and Visitors Bureau standards, and direct and indirect fiscal benefit calculated on the economic impact forecast system part of the environmental technical information system of the United States Army Corps of Engineers. Alternatively, this portion, or any other portion of such new net public fiscal benefit, may be determined in accordance with specific procedures and criteria established pursuant to any contract, agreement, lease or sublease referred to in section 70.851 so long as such procedures and criteria take into account the factors described in this section.

4. The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties[, as he may deem necessary]. The auditor and his agents conducting an audit shall have access and authority to examine any and all records of the authority and any participating city and county. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, participating cities and counties, the governor, the commissioner, the state treasurer, and the attorney general."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Klarich requested unanimous consent of the Senate that the rules be suspended and the Committee on Judiciary be allowed to meet while the Senate is in session, which request was granted.

Senator Steelman offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 7, Section 67.2003, Line 23, by deleting the phrase "third calendar year before" and inserting in lieu thereof the phrase "first calendar year after"; and further by amending the same page, same section, line 24, by deleting the phrase "or declaration approving the need for" and further by amending page 8, same section, line 4, by deleting the word "third" and inserting in lieu thereof the word "first"; and further by amending same page, same section, line 5, by deleting the word "before" and inserting in lieu thereof the word "after"; and further by amending same page, same section, lines 5 and 6, by deleting the phrase "or declaration approving the need for" and inserting in lieu thereof the word "establishing".

Senator Steelman moved that the above amendment be adopted.

Senator Gross offered **SSA 1** for **SA 14**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 7, Section 67.2003, Line 23 of said page, by inserting after the word "year" the following: "**as adjusted for inflation in an amount equal to one-half of the Consumer Price Index for Midwestern States**"; and

Further amend said bill, Page 8, Section 67.2003, Line 5 of said page, by inserting after the word "year" the following: **"as adjusted for inflation in an amount equal to one-half of the Consumer Price Index for Midwestern States"**.

Senator Gross moved that the above substitute amendment be adopted, which motion failed.

SA 14 was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Goode offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 62, Section 99.845, Line 14, by inserting after all of said line the following:

"(16) The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.

(17) The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 42, Section 67.2076, Line 10, by inserting after all of said line the following:

"5. The state auditor shall conduct an annual audit of all accounts and transactions of the specially designated multipurpose facility account pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.

6. The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification."; and

Further renumber the remaining subsections accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 59, Section 99.845, Line 6, by inserting after all of said line the following:

"(14) The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.

(15) The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 4, Section 67.642, Line 13, by inserting after all of said line the following:

"6. The state auditor shall conduct an annual audit of all the project fund established by the most populous county in Missouri participating in the metropolitan cultural district pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the metropolitan cultural district, the governor, the state treasurer and the attorney general.

7. The state auditor shall certify on an annual basis that the amount of cumulative annual sales tax revenue generated by the metropolitan cultural district exceeds the cumulative annual state general fund appropriations and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification."

Senator Goode moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 1279, SB 1162 and SB 1164**, with **SCS, SS No. 2** for **SCS** and **SA 18** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HB 1711** and has taken up and passed **CCS** for **HCS** for **HB 1711**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1777**, entitled:

An Act to repeal sections 44.023, 306.124, 307.177, 407.472, 407.1095, 570.030, 571.020, 574.115, 578.008, and 610.021, RSMo, and to enact in lieu thereof seventeen new sections relating to terrorism, with penalty provisions, with expiration dates for certain sections, and an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1988**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the establishment of an official state horse.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2097**, entitled:

An Act to repeal sections 413.005, 413.015, 413.055, 413.065, 413.075, 413.085, 413.115, 413.125, 413.135, 413.145, 413.155, 413.165, 413.225, and 413.227, RSMo, and to enact in lieu thereof fourteen new sections relating to weights and measures, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2137**, entitled:

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof one new section relating to compensation for county treasurers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 1220**, entitled:

An Act to repeal section 313.057, 313.230, 313.810 and 313.822, RSMo, and to enact in lieu thereof four new sections relating to gaming, with penalty provisions.

With House Amendment No. 1 and House Amendment No. 2 to Part 2, House Amendment No. 1 to Part 4.

HOUSE AMENDMENT NO. 1 TO

PART II

Amend Part II of House Substitute for Senate Bill No. 1220, by inserting in the appropriate locations the following

sections:

"313.500. As used in sections 313.500 to [313.710] **313.720**, unless the context clearly indicates that a different meaning is intended, the following terms mean:

(1) "Applicant", any person applying for a license to be granted by the commission. If the applicant is a corporation, partnership or other person as that term is defined in section 351.015, RSMo, the term includes the officers and directors of the corporation or the general partners of a partnership or person performing similar functions for any business applying for such a license;

[(1)] **(2) "Breakage", the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents, or such other amount as set by the commission;**

[(2)] **(3) "Commission", the Missouri [gaming] horse racing commission, [created in section 313.004,] or its designate;**

(4) "Commission on wagers", an amount retained and not returned to patrons by a licensee from the total amount of pari-mutuel wagers;

(5) "Common pari-mutuel pool", a pool consisting of the pari-mutuel wagers on a race placed and accepted at a racetrack or other facility outside the state where pari-mutuel wagers are permitted;

[(3)] **(6) "County", any county in the state of Missouri or the city of St. Louis;**

[(4)] **(7) "Horse", any equine, ass, mule, pony, or hybrid thereof;**

[(5)] **"Organization", any individual, political subdivision, state agency, partnership, unincorporated association, firm, or corporation licensed by the commission to conduct a horse racing meeting;]**

(8) "Licensee", any individual, partnership, corporation, unincorporated association, firm, or other business organization licensed by the commission to conduct a race meeting and pari-mutuel wagering. If the licensee is a corporation, partnership or other person as that term is defined in section 351.015, RSMo, the term includes the officers and directors of the corporation or the general partners of the partnership or person performing similar functions for any business that holds a license;

(9) "Missouri bred horse", any equine which was foaled within this state;

(10) "Occupational licensee", any person licensed by the commission to perform an occupation associated with racing, simulcasting or pari-mutuel wagering, which the commission has identified as requiring a license;

[(6)] **(11) "Pari-mutuel wagering", a form of wagering on the outcome of [horse] races in which those who [wager purchase tickets] participate place wagers of various denominations on a horse or horses in one or more races, all wagers are pooled, and when the outcome of the race has been declared official, the total wagers comprising each pool, less such amounts provided herein or which are provided by law or rule, will be distributed to holders of winning tickets on the [winning] horse or horses;**

(12) "Pari-mutuel system", a computerized system or component of a system that is used to transmit wagering data to and from a racetrack which participates in common pari-mutuel pools;

[(7)] **(13) "Public official", any elected member of the executive branch of state government and any director of a state department, any judge other than a judge of the municipal division of a circuit court, and any elected member of the legislative branch of state government;**

(14) "Race" or "racing", any type of horse race or horse racing;

[(8)] **"Race meet" or (15) "Race meeting", [the whole period of time, whether consecutive dates or those instances**

where nonconsecutive dates are granted, for which a racetrack license to race has been granted to any one organization by the commission;

(9) "Racing", any type of horse racing.] **the activities conducted at a race meeting grounds including live or simulcast races, all as licensed by the commission, on any given date or series of dates;**

(16) "Race meeting grounds", a racetrack licensed by the commission and the surrounding structures and property under control of a licensee;

(17) "Simulcast", the audio and visual transmission of a live, realtime race, or series of races, provided in any manner approved by the commission;

(18) "Steward", a person designated by the commission to monitor race meetings to ensure compliance with sections 313.500 to 313.720 and regulations promulgated thereunder;

(19) "Stockholder", record owners of any class of stock and beneficial owners of any kind specified in subsection 4 of section 313.600, that constitute five percent or more of the licensee's stock or units of ownership. Notwithstanding the preceding sentence, in the event the licensee is a subsidiary of a public company, the term "stockholder" shall mean record owners of five percent or more of the licensee's stock or units of ownership, and beneficial owners who have the practical ability to control the management of a licensee. For purposes of this subdivision, "public company" shall mean any company whose stock is traded on the New York Stock Exchange, the Nasdaq National Market or any similar security exchange.

313.510. 1. There is hereby created the "Missouri Horse Racing Commission", which shall consist of five members appointed by the governor with the advice and consent of the senate. **Members of the commission shall be citizens and eligible voters of this state and shall not have been convicted of a felony. Not more than three members shall be affiliated with the same political party and not more than one member may be a resident of any one congressional district or of any single county or of the City of St. Louis. At least two of said members shall be horsemen as such term is commonly understood in the industry. Of the members first appointed, one shall be appointed for a one-year term, one shall be appointed for a two-year term, one shall be appointed for a three-year term, one shall be appointed for a four-year term, and one shall be appointed for a five-year term; and thereafter members shall be appointed for terms of five years. A minimum of twenty-five percent of all commissioners appointed shall be minorities. The governor shall designate one of the members to be chairman.** The commission shall oversee the development and administration of the pari-mutuel horse racing industry in Missouri. The commission shall be assigned to the [Missouri gaming commission] **department of public safety.**

2. The governor shall designate one of the members as the chair.

3. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office.

4. In the event of a vacancy on the commission due to the removal, resignation or death of a commission member, the governor shall appoint an interim commissioner to serve the remainder of the unexpired term.

5. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed on it pursuant to sections 313.500 to 313.720, related to horse racing and pari-mutuel wagering.

313.520. 1. [The horse racing commission shall not hire any person to be an employee of the commission.] **Subject to appropriations, the commission may hire an executive director and such employees as it may deem necessary to carry out the commission's duties. A minimum of twenty-five percent of employees hired by the commission shall be minorities. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees that shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any race subject to the jurisdiction of the commission or from placing wagers**

subject to the jurisdiction of the commission. The commission shall determine if any employees of the commission or any licensee shall be subject to any restrictions on their ability to participate in any race meeting or wager at any racetrack under the jurisdiction of the commission.

2. The duties of the executive director of the [gaming] commission[, in addition to all other duties prescribed by law,] shall include the following:

- (1) Taking and preserving records of all proceedings before the commission, maintaining its books, documents, and records, and making them available for public inspection;
- (2) If so designated by the commission, acting as a hearing officer in hearings;
- (3) Acting as the commission's chief personnel officer and supervising the employment, conduct, duties, and discipline of commission employees; and
- (4) Performing other duties as directed by the commission.

3. Except as provided in subdivision [(7)] **(5)** of section 313.560, the officials at any race meeting, [as this term is customarily understood in racing,] including by way of enumeration only and not in limitation, placing judges, patrol judges, clerks of the scales, starters and assistants, handicapper, timer, paddock judge, veterinarians, racing secretary, and clerk of the course shall be paid by the racetrack licensee.

313.530. [Except as provided in section 313.620, all revenues derived or generated from the licensing of racetracks and] **1. Other than revenues designated for the Missouri breeders fund pursuant to sections 313.652, 313.655 and 313.720, all revenues derived or generated from the licensing fees, racetracks, civil or administrative penalties, laboratory testing services fees, the authorization of race meetings, races [under] and wagering pursuant to sections 313.500 to [313.710] 313.720, and all moneys received by the state[,]** and the commission [or the director of revenue] from pari-mutuel wagering pools shall be [deposited by] **transmitted to** the director of revenue **for deposit** in the state treasury to be held in a special account to be known as the "Missouri Horse Racing Fund". Interest earned on the Missouri horse racing fund shall be credited to that fund. The money in the Missouri horse racing fund shall be deposited in the state treasury and invested by the state treasurer[, subject to appropriation as provided by the constitution and laws enacted pursuant thereto]. **The Missouri horse racing fund shall be used to pay the expenses of the commission to the extent that it is sufficient to satisfy the commission's obligations.**

2. Any surplus remaining in the Missouri horse racing fund at the end of a fiscal year shall be deposited in the state treasury to the credit of the state schools moneys fund. Moneys deposited in this fund pursuant to this section shall be considered the proceeds of racing and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the horse racing proceeds shall be credited to state schools moneys fund.

313.540. **1.** The commission shall have powers to [prescribe] **promulgate** and enforce rules and regulations governing [horse] races, [and] race meetings **and pari-mutuel wagering**. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking [racetrack] licenses and **for** setting racing dates. The commission may delegate to **its employees or to** the stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of sections 313.500 to [313.710] **313.720**. Any decision or action of such **employees or** stewards may be appealed to the commission or may be reviewed by the commission on its own initiative.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

313.550. 1. The commission may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, to enable [any of them] **it** to effectually discharge its [or his] duties, and may administer oaths or affirmations as necessary in connection therewith. In addition, the commission shall have the authority to issue subpoenas [under] **pursuant to** section 536.077, RSMo, in contested cases.

2. Any person subpoenaed who fails to appear at the time and place specified in answer to the subpoena and to bring any papers or things specified in the subpoena, or who upon such appearance, refuses to testify or produce such records or things, upon conviction, is guilty of a class A misdemeanor.

3. Any person who testifies falsely under oath in any proceeding before, or any investigation by, the commission, its [secretary] **employees**, or the stewards, upon conviction, shall be guilty of a class D felony **and a class C felony for second and subsequent violations**.

313.560. The commission shall have all powers necessary and proper to fully and effectively execute the provisions of sections 313.500 to [313.710] **313.720** including, but not limited to, the following:

(1) The provisions of chapter 34, RSMo, to the contrary notwithstanding, the executive director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.500 to [313.710] **313.720**, provided however, that the board of public buildings shall provide the principal office space for the commission's staff. Contracts shall be awarded on the basis of lowest and best bid. The executive director shall use state purchasing procedures except for professional services or emergency purchases [necessary for the race meet] authorized pursuant to section 34.100, RSMo. No contract awarded or entered into by the executive director may be assigned by the holder thereof except with specific approval of the commission;

(2) [The commission is vested with the power to enter without a search warrant the office, horse racetrack, facilities, other places of business, residences, tack rooms, vehicles and any other premises under the control of any licensee on the grounds of a licensed association at all reasonable hours to determine whether there has been compliance with the provisions of sections 313.500 to 313.710 and rules and regulations promulgated thereunder, and to discover any contraband as described in chapter 195, RSMo, or in rules promulgated pursuant to sections 313.500 to 313.710;

(3)] The commission is vested with the authority to investigate alleged violations of the provisions of sections 313.500 to [313.710] **313.720**, its reasonable rules and regulations, orders and final decisions; [the commission shall take appropriate disciplinary action, including suspension or revocation of the license, against any racetrack licensee or occupation licensee for violation thereof or institute appropriate legal action for the enforcement thereof pursuant to subdivision (10) of this section;

(4)] **(3)** The commission may eject or exclude from any race meeting [or licensee] grounds [or any part thereof, any occupation licensee or], any [other] individual whose conduct or reputation is such that his **or her** presence [on licensee grounds] may, in the opinion of the commission, call into question the honesty and integrity of [horse] racing or interfere with the orderly conduct of [horse] racing **or pari-mutuel wagering**; provided, however, that no person shall be excluded or ejected [from licensee grounds] on the grounds of race, color, creed, national origin, ancestry, or sex. The commission shall by rule provide for an expedited hearing for any occupation licensee excluded pursuant to this subsection;

[(5)] **(4)** The commission is vested with the power to acquire, establish, maintain and operate, or provide by contract testing laboratories and related facilities, for the purpose of conducting saliva, blood, urine and other tests on the horses run or to be run in any race meeting and to lease or purchase all equipment and supplies deemed necessary or desirable in connection with any such testing laboratories and related facilities and all such tests. The commission shall explore the feasibility of establishing such a testing facility at and in conjunction with the University of Missouri, College of Veterinary Medicine. The racetrack licensee shall on a per sample basis pay a fee as determined by the commission for such laboratory testing services;

[(6) The commission may require that the records, including financial or other statements of any racetrack licensee

under sections 313.500 to 313.710, shall be kept in such manner as prescribed by the commission and that any racetrack licensee submit to the commission on or before March fifteenth of each year, for the preceding fiscal year of the licensee an annual audited balance sheet and profit and loss statement and any other information the commission deems necessary in order to effectively administer sections 313.500 to 313.710 and all rules, regulations, orders and final decisions promulgated under sections 313.500 to 313.710. The fiscal year for any licensee shall be the calendar year;

(7)] **(5)** The commission shall require that there shall be three stewards at each horse race meeting, who shall be appointed by the commission **and unless directed by the commission, at least one steward shall be certified by the Association of Racing Commissioners International or equivalent organization.** They shall be paid for by the state and shall be considered state employees for all purposes. Stewards appointed by the commission, while performing duties required by sections 313.500 to [313.710] **313.720** or by the commission, shall be entitled to the same rights and immunities as granted to commission members and employees [under] **pursuant to** section 313.570;

[(8)] **(6)** The commission is vested with the power to impose civil penalties of up to five thousand dollars against [individuals] **occupational licensees** and up to ten thousand dollars against [organizations] **licensees** for each violation of any provision of sections 313.500 to [313.710] **313.720**, any rules adopted by the commission, any lawful order of the commission or any other action which, in the commission's discretion, is found to be a detriment or impediment to [horse] racing **or pari-mutuel wagering.** Such penalties, when recovered, shall be paid into the Missouri horse racing fund. Any civil penalties so imposed shall be sued for by the attorney general in the name of the state;

[(9)] **(7)** The commission may request that the attorney general make investigations, on behalf of and in the name of the commission, and bring suits or institute proceedings for any of the purposes necessary and proper for carrying out the functions of the commission;

[(10)] **(8)** The commission may request that the Missouri state highway patrol investigate or participate in such matters as it deems necessary. The Missouri state highway patrol shall have authority to investigate the commission relative to the operation and administration of sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720**, and to report suspected violations of state law or federal law by the commission to the proper prosecuting authorities. In the event that a violation of state law is reported to the proper prosecuting authority and no prosecution is commenced within thirty days for alleged violations, the attorney general shall have authority to commence prosecution for alleged violations of sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720** or other criminal statutes alleged to have been violated. The cost of personnel and related expenses in the Missouri state highway patrol, including the division of drug and crime control, to accomplish the purposes of this section shall be paid within the limits of appropriations from general revenue, or from such other funding as may be authorized by the general assembly.

313.561. In addition to the powers granted to the commission in section 313.560, the commission shall have the following powers and duties relating to applicants and licensees:

(1) To investigate the qualifications of each applicant pursuant to sections 313.500 to 313.720 before any license is issued and to continue to observe the conduct of all licensees and other persons having a material involvement directly or indirectly with the licensee;

(2) To deny any application or limit, condition, restrict, revoke, or suspend a license of any person for any cause deemed reasonable by the commission. Any person aggrieved by any action of the commission authorized in this subdivision may appeal such action to the appropriate circuit court;

(3) To adopt standards for the conduct of pari-mutuel wagering on the race meeting grounds, except that the commission shall not permit a licensee to accept pari-mutuel wagers unless its facility on the race meeting grounds:

(a) Is designed to seat patrons comfortably, with multiple screens to enable each patron to view simulcast races;

(b) Is suitable for licensing by the division of liquor control; and

- (c) Has food and beverage services available at all hours the facility is open to the public for race meetings;**
- (4) To require a licensee to remove any person from the race meeting grounds facility if such person violates any provision of sections 313.500 to 313.720 or any rule or regulation promulgated thereunder or if such person engages in fraudulent practices;**
- (5) To enter without a search warrant the office, race meeting grounds, other places of business, tack rooms, vehicles, and any other premises under the control of any licensee at all reasonable hours to determine whether there has been compliance with the provisions of sections 313.500 to 313.720 and the rules and regulations promulgated thereunder, and to discover any substance or item regulated in chapter 195, RSMo, or by rules and regulations promulgated pursuant to sections 313.500 to 313.720;**
- (6) To require that the records, including financial or other statements of any licensee pursuant to sections 313.500 to 313.720, shall be kept in such manner as prescribed by the commission and that any licensee submit to the commission on or before a date certain each year established by the commission, for the preceding fiscal year of the licensee an annual audited balance sheet and profit-and-loss statement and any other information the commission deems necessary in order to effectively administer sections 313.500 to 313.720 and all rules, regulations, orders, and final decisions promulgated pursuant to sections 313.500 to 313.720. The fiscal year for any licensee shall be the calendar year; and**
- (7) The commission may levy administrative penalties of up to two thousand dollars per day against a licensee who violates the provisions of sections 313.500 to 313.720 or any rule or regulation promulgated thereunder.**

313.562. A holder of any license shall be subject to impositions of penalties, suspension or revocation of such license, or other action for any act or failure to act by such person or such person's agents or employees, that is injurious to the public health, safety, morals, good order, and general welfare of the people of this state or that would discredit or tend to discredit the Missouri horse racing industry or this state unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this section, the following acts or omissions may be grounds for such discipline:

- (1) Failing to comply with or make provisions for compliance with sections 313.500 to 313.720, the rules and regulations of the commission or any federal, state, or local law or regulation;**
- (2) Failing to comply with any rule, order, or ruling of the commission or its agents pertaining to horse racing or pari-mutuel wagering;**
- (3) Being suspended or ruled ineligible or having a license associated with horse racing revoked or suspended in any state or jurisdiction;**
- (4) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and who would adversely affect public confidence and trust in horse racing or pari-mutuel wagering;**
- (5) Employing in any horse racing operation or associated facility any person known to have been found guilty of cheating or using any improper device in connection with any horse race, pari-mutuel wagering operation, or other type of gaming;**
- (6) Use of fraud, deception, misrepresentation, extortion, threats, or bribery in securing any permit or license issued pursuant to sections 313.500 to 313.720;**
- (7) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, misrepresentation, extortion, or threats;**

(8) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties regulated by sections 313.500 to 313.720.

313.580. 1. Pari-mutuel wagering shall only be conducted within the grounds or enclosure of a racetrack licensed by the commission and shall only be conducted with respect to [horse] races [and], race meetings [which have been authorized by the commission at such licensed racetrack] **or simulcasts. No gaming devices or practices shall be allowed on the race meeting grounds other than those devices and practices necessary to conduct pari-mutuel wagering on live races or the simulcast of live races.**

2. No [organization] **entity** shall conduct pari-mutuel wagering on [horse] racing without a valid [racetrack] license issued by the commission [with respect to the conduct of horse racing and race meets authorized by the commission]. Any [organization] **entity** desiring to conduct pari-mutuel wagering on [horse] racing shall apply to the commission for a [racetrack] license and shall provide the information required by the commission before a license may be issued.

[2.] **3.** The commission shall not issue any [racetrack] license to any [individual or organization] **applicant:**

(1) Who has or which has an officer, director, **member, manager**, or stockholder who has been convicted of a felony;

(2) Who has or which has an officer, director, **member, manager**, or stockholder who has been convicted of or pleaded nolo contendere to any illegal gambling activity; or

(3) Who is or which has an officer, director, **member, manager**, or stockholder who is not of good moral character. [As used in this subsection, the term "stockholder" shall mean record owners of any class of stock, and beneficial owners of any class of stock as provided in subsection 4 of section 313.600, which constitutes two percent or more of the licensee's stock.

3.] **4.** The commission shall not issue any license for a racetrack unless the commission has first determined:

(1) That the applicant would be a suitable licensee;

(2) That a licensed racetrack at the proposed location would be in the public interest;

(3) That the proposed racetrack operation is economically feasible;

(4) That the proposed racetrack's establishment would not be detrimental to the development of a sound [horse] racing program for Missouri;

(5) That any financing of applicant's proposed operations is adequate and comes from a source that is not detrimental to the public interest; [and]

(6) That the applicant has complied with all requisite provisions of law and of rules and regulations promulgated by the commission; **and**

(7) That the proposed racetrack would be located within a county in which a majority of the voters have approved excursion gambling boats.

[4.] **5.** If any organization is ineligible to be granted a [racetrack] license because of any of the matters set forth in this section, any other affiliated organization or person that is either controlled, directly or indirectly, by such ineligible organization or person shall also be ineligible.

[5.] **6.** The commission shall only license the number of racetracks and authorize the number of races which it determines to be in the public interest and economically feasible.

7. Licenses granted by the commission shall be valid until revoked by the commission for cause following proper notice and an opportunity for hearing.

8. No public funds or powers of eminent domain shall be used for the purchase, construction, operation, or maintenance of any privately-owned race meeting grounds, nor shall any redevelopment plan be adopted pursuant to sections 99.800 to 99.865, RSMo, after January 1, 2002, for tax-increment financing projects that include privately-owned race meeting grounds.

313.583. 1. An application to receive a license constitutes a request for a determination of the applicant's general character, integrity, and suitability for licensure. Such determination shall be made by the commission after due investigation of the applicant. The applicant for such license shall file with its application an application fee of fifty thousand dollars. If the cost of the commission's investigation exceeds the total amount of the fee paid by the applicant pursuant to this section, the commission may assess additional fees as it deems appropriate; however, if the applicant is denied a license, the applicant shall be entitled to a refund of the difference between the application fee and the actual costs of the investigation.

2. Applications for a license shall be made, processed, and determined using such forms as the commission may require. The application shall fully identify the applicant, include evidence of the financial responsibility of the applicant, describe the names and identification of those who will supervise the wagering, describe the controls and supervision by the licensee and describe the general physical layout of the track and its location.

3. In acting on applications for licenses, the commission shall require all applicants to implement a good faith affirmative action effort and to furnish the commission with a description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use and advancement of minorities; policies with respect to minority contracting; a copy of the equal employment opportunity statement and policy of the applicant dated and signed by the chief executive officer; and a copy of the affirmative action policy and procedures of the applicant dated and signed by the chief executive officer; and identification of the affirmative action officer, including name, title, address, and telephone number.

313.585. 1. The commission shall not issue a license to operate to an applicant unless the applicant affirms that it will make a capital investment in its race meeting grounds in Missouri exceeding ten million dollars within the first forty-two months after licensure, and that it will conduct at least:

- (1) Twenty days of live racing in this state within eighteen months following licensure;**
- (2) Thirty days of live racing in this state during the next twelve-month period; and**
- (3) Fifty days of live racing in this state during each twelve-month period thereafter.**

The commission shall only have authority to waive, suspend, or modify the provisions of this section in the event that circumstances beyond the control of the applicant or licensee prevent the applicant or licensee from complying with such requirements.

2. In the event that a licensee does not make a capital investment or own and operate a live racetrack that conducts the minimum number of days of live racing in Missouri as set forth in subsection 1 of this section, the commission shall restrict, revoke, suspend, or place on probation the licensee's right to operate until the licensee adequately demonstrates an ability to satisfy the requirements of subsection 1 of this section.

3. The commission shall not issue a license to any applicant unless the applicant establishes by clear and convincing evidence that it will timely arrange for the capital investment in its race meeting grounds as set forth in subsection 1 of this section so as to demonstrate a significant financial commitment to the host community.

4. The commission shall not issue a license to any applicant except upon the express condition and representation that the licensee shall not, by any lease, contract, understanding or arrangement of whatever kind or nature, grant, assign, transfer or turn over to any person, corporation, partnership or business, the

ownership, operation or management of the track without the prior approval of the commission. Nothing contained in this section prohibits:

- (1) The licensee from paying a percentage of the amounts wagered at its race grounds to a track for the right to be part of a common pari-mutuel pool and for the right to receive a simulcast from such racetrack; or
- (2) The licensee from paying a percentage of the amounts wagered at its race grounds to an individual, corporation, partnership, or other entity as compensation for the services of a pari-mutuel system.

313.587. 1. A licensee shall not use a pari-mutuel system unless the system has been approved for use by the commission. The physical location of the system may be in a state other than Missouri. A pari-mutuel wagering system shall:

- (1) Include a fully redundant computer;**
- (2) Receive, aggregate by pool, and report to a track at regular intervals, all pari-mutuel wagering information received from the licensee;**
- (3) Receive and report to the licensee at regular intervals all wagering data received from the racetrack to the system;**
- (4) After each race on which pari-mutuel wagering is conducted and which is declared official, receive and report to the licensee the results and payoff prices reported by the track; and**
- (5) Provide all accounting and reconciliation reports required by the commission.**

2. Operators of the pari-mutuel system shall:

- (1) Be subject to such regulatory supervision as the commission deems appropriate;**
- (2) Put in place and use communication equipment to supplement that used to transmit simulcasts and to facilitate the pari-mutuel wagering system to ensure that the operator is:**
 - (a) Able to contact each licensee immediately; and**
 - (b) Able at all times to respond immediately to licensee requests for confirmation of information included in the simulcasts or otherwise generated by the pari-mutuel system.**

313.590. A [racetrack licensed under section 313.580] licensee shall post a bond payable to the state of Missouri, before the license is issued, in an amount set by the commission, with sureties to be approved by the commission. The bond shall be used to guarantee that the licensee satisfies its obligation to maintain all facilities for which it is licensed, faithfully makes the payments, keeps its books and records and makes reports, and conducts its racing and wagering activity in conformity with sections 313.500 to [313.710] 313.720 and the rules adopted by the commission. The bond shall not be canceled or assigned by a surety on less than thirty days' notice in writing to the commission. If a bond is canceled and the licensee fails to file a new bond with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

313.600. 1. [Whenever any organization has been granted a racetrack license to conduct a horse race meeting,] No officer or director of [such organization] a licensee, or person [who will thereby] proposed to become [the owner or holder, directly or indirectly, of five percent or more of the shares of stock or certificates or other evidence of ownership] a stockholder in such [organization] licensee, may become [the owner or holder, directly or indirectly, of any such shares of stock or certificates or other evidence of ownership] a stockholder without first having obtained the approval of the commission. The commission may, after hearing, revoke or suspend a [racetrack] license granted to any [organization] licensee which shall register on its books in the name of any such officer, director, or person its

share of stock or certificate or other evidence of ownership of any interest in the organization without the prior approval of the commission or which shall knowingly permit any such officer, director, or person to be directly or indirectly interested in its share of stock or certificates or other evidences of ownership of any interest in the organization without reporting the same to the commission or which violates any rules or regulations of the commission.

2. Whenever the commission shall give to any officer or director of any [organization] **licensee**, or person [who will thereby] **proposed to** become [the owner or holder, directly or indirectly, of five percent or more of the shares of stock or certificates or other evidences of ownership of any interest in an organization] **a stockholder in a licensee**, its approval to [own or hold the shares of stock or certificates or other evidences of ownership of any interest] **become a stockholder** in any such [organization] **licensee**, it shall, by registered mail, notify the organization of such approval. Under no circumstances shall the commission give such approval to any such officer, director or person who has been convicted of or is under an indictment for a crime involving moral turpitude [or has violated any provisions of the racing law of any state or any rules or regulations of the commission of any state] **or a felony**.

3. The commission shall require all licensees, including any officers and stockholders thereof, to disclose fully to the commission all financial interests that they may have in horse racing **that are deemed relevant by the commission**.

4. The commission shall require each licensee [under] **pursuant to** this section to maintain records [of owners of stock of the licensee so that the names of all persons, including corporations, trusts, estates, and partnerships, who are the beneficial owners of the stock are disclosed] **its stockholders**, regardless of the manner in which, or whether, the ownership interest is stated or registered on the stock of the licensee. **For purposes of determining stockholders**, beneficial ownership includes, but is not limited to record ownership and:

(1) Stock or other ownership in one or more entities in a chain of parent and subsidiary or affiliated entities, any one of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or

(2) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement, or other arrangement, even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, are beneficially owned by the individual.

5. In addition to any other action which is necessary to obtain disclosure of [beneficial ownership of stock] **stockholders**, the commission shall require each licensee, at least once every calendar year, to obtain, pursuant to written notice to the [record owners of all stock] **stockholders** of the licensee, an affidavit from each [record owner owning two percent or more] **stockholder**, sworn to under the penalty of perjury, stating to the best of the affiant's knowledge, information and belief:

(1) Whether any person other than the affiant has any right of beneficial ownership of any kind in the stock held in the name of the affiant;

(2) The name and address of the other person; and

(3) The amount and nature of the ownership.

6. If the licensee receives information indicating that a person other than the record owner has a beneficial ownership interest in stock of the licensee, the licensee shall request promptly by written notice to the other person, that this person submit to the licensee within sixty days from the date of the notice an affidavit, sworn to under the penalty of perjury, stating to the best of the affiant's knowledge, information and belief:

(1) Whether the affiant has any right of ownership in stock of the licensee attributed to the affiant in the notice and the amount and nature of the ownership;

(2) Whether any person other than the affiant and the record owner has any right of ownership of any kind in stock of the licensee attributed to the affiant by the notice to the affiant; and

(3) The amount and nature of the ownership of any other person.

7. Notwithstanding the affidavit requirements of this subsection, the commission may limit the ownership that must be reported in an affidavit to [two] **five** percent or more of the beneficial ownership of the licensee.

8. Each licensee shall submit the ownership records and affidavits required by this section to the commission annually and at the other times required by the commission. Any change in the [record ownership or beneficial ownership of stock] **stockholders** of any licensee shall be reported promptly to the commission. Upon the failure of any licensee to maintain and report records of ownership of stock, as required by this subsection, or the failure of any licensee to make a reasonable effort to obtain the affidavits required by this subsection, the commission shall suspend or revoke the license of the track for a period determined by the commission.

9. All statements required to be filed with the commission shall be filed under oath and shall be signed by the officers of the corporation, or, if unincorporated, by the owner or all the partners, general and limited, of the licensee.

313.605. 1. [In addition to the provisions of subsection 1 of this section,] No [organization] **entity** shall be granted a [racetrack] license [to hold a race meeting in this state] and the commission may revoke or suspend a [racetrack] license if any public official of the state or his or her spouse, children or parents hold any financial interest, directly or indirectly, in the shares of stock or certificates or other evidences of ownership in [the organization] **such entity or licensee. No entity shall be granted a license and the commission may revoke or suspend a license if any stockholder of a licensee has any financial interest, directly or indirectly, in the ownership of any other gaming activity or gaming business unrelated to horse racing.**

2. No [organization which has been granted a racetrack license to hold a race meeting] **licensee** shall give to any public official or his or her spouse, children or parents, directly or indirectly, for or without consideration any interest in shares of stock or certificates or other evidences of ownership [in the organization]. The commission shall, after hearing, revoke the [racetrack] license granted to [an organization] **any entity** which has violated this subsection.

313.610. Any [organization] **entity** conducting a horse race [or race meeting] at which pari-mutuel wagering is conducted without a valid license issued pursuant to sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720** shall upon conviction be guilty of a class B felony.

313.620. 1. The commission shall prescribe by rule the amount and frequency of [application fees and] per day licensing fees for racetracks where pari-mutuel wagering is permitted.

2. The commission may prescribe by rule license fees for race [meets] **meetings** with respect to which pari-mutuel wagering is conducted.

3. All funds received from application fees, per day licensing fees and other licensing fees shall be **collected by the commission and transmitted to the department of revenue to be** deposited in the [state treasury to the credit of the general revenue fund, and shall not be transferred except by appropriation as provided by the constitution and laws enacted pursuant thereto] **Missouri horse racing fund.**

313.630. 1. **Each licensee shall pay to the commission an admission fee of three dollars for each person entering the race meeting grounds. All revenue received by the commission from the race meeting grounds admission fee shall be deposited in the state treasury by the commission to the credit of the Missouri horse racing fund.**

2. In lieu of any state or local sales tax on the gross receipts from admissions paid by persons attending the races and in lieu of any state or local amusement or entertainment tax, there is hereby imposed on each [organization licensed to conduct horse races under the provisions of sections 313.510 to 313.710] **licensee** a tax equal to ten percent of all moneys received each day from admissions paid by persons attending the [races] **race meeting** for deposit in the [state treasury to the credit of the general revenue fund. The general assembly shall appropriate money from general revenue, up to one-half of the amount credited annually pursuant to this section, to municipalities and counties in the area in which races are conducted to assist the funding of services and facilities required by the conduct of racing in such

municipality or county. Any county or municipal racing authority shall be subject to the rules and regulations of the commission] **Missouri horse racing fund.**

313.631. Every [organization licensed to conduct horse races under the provisions of sections 262.260 to 262.270, RSMo, and 313.500 to 313.710] **licensee** shall so keep its books and records as to clearly show the true number of admissions **to its race meeting**, the total amount of money contributed to each pari-mutuel pool on each race [separately] **run at its track, the total amount of money contributed to each pari-mutuel pool on which it accepts wagers**, and the amount of money received daily from admission fees and within thirty days after the conclusion of every [race meeting] **month**, shall submit to the commission a complete accounting of all such receipts and admissions.

[313.632. All contracts and agreements for the payment of money and all salaries, fees and compensation paid by any organization licensed as hereinbefore provided, and all proposed extensions, additions, or improvements to the buildings, stables, improvements or tracks upon property owned or leased by such licensee shall be subject to the approval of the commission.]

313.640. 1. Every individual participating in horse racing, whether as a [racetrack] licensee, holder of any interest in a [racetrack license] **licensee**, association employee, concessionaire contract holder, and owner or general manager of same, concessionaire employee, or racing official, and all other individuals whose duties require them to be present on [association premises] **race meeting grounds** during racing hours, or to regularly visit such premises during racing hours, are required to have an occupation license from the commission authorizing them to be employed on the licensed premises and to practice their business, profession, or skill. The following individuals are not required to obtain an occupation license:

- (1) Public officers and public employees engaged in the performance of their official duties; and
- (2) Individuals exempted by the commission.

License applicants shall be required to furnish to the commission a set of fingerprints and a recent photograph and shall be required to be refingerprinted or rephotographed periodically.

2. Each application for an occupation license shall be on forms prescribed by the commission. Such occupation license, when issued, shall be for a period up to one year, except that the commission in its discretion may grant up to three-year licenses. **An occupational license shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated his or her suitability to be licensed. The commission may reopen occupational licensing hearings at any time.** The application shall be accompanied by a license fee which shall be set by the commission. Each applicant **for an occupational license** shall set forth in the application his **or her** full name and address, and if he **or she** has been issued prior occupation licenses or has been licensed in any other state under any other name, such name, his **or her** age, whether a permit or license issued to him **or her** in any other state has been suspended or revoked and if so whether such suspension or revocation is in effect at the time of the application, and such other information as the commission may require. [The commission shall also determine fees for registration of stable names. Fees collected for registration of stable names shall be deposited in the state treasury to the credit of general revenue and subject to appropriation as provided by law.]

3. The commission may in its discretion refuse an occupation license to any individual:

- (1) Who has been convicted of a crime;
- (2) Who is unqualified to perform the duties required of such applicant;
- (3) Who fails to disclose or states falsely any information called for in the application;
- (4) Who has been found guilty of a violation of sections 313.500 to [313.710] **313.720** or of the rules and regulations of the commission;

- (5) Whose occupation license or permit has been suspended, revoked, or denied for just cause in any state;
- (6) Who is a past or present member or participant in organized crime as such membership or participant may be found or determined by the commission;
- (7) Who is an illegal alien;
- (8) Who is an employee of the commission or any spouse, child, brother, sister, or parent of an employee or member of the commission; or
- (9) For any other just cause.

4. The commission may suspend or revoke any occupation license:

- (1) For violation of any of the provisions of sections 313.500 to [313.710] **313.720**; or
- (2) For violation of any of the rules or regulations of the commission; or
- (3) For any cause which, if known to the commission, would have justified the commission in refusing to issue such occupation license; or
- (4) For any other just cause.

5. [At least eighty percent of all individuals employed directly at each and every race meeting by an organization licensed to conduct horse racing under sections 313.500 to 313.710 shall be residents of the state of Missouri for a period of ninety days next preceding the date of employment and during the course of employment.

6.] In acting on applications for organization licenses, the commission shall require all applicants to implement a good faith affirmative action effort to recruit, train, and upgrade minorities in all classifications of employment by the applicant. The applicant shall furnish the commission with a description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of Equal Employment Opportunity Statement and Policy of the applicant dated and signed by the chief executive officer; and a copy of Affirmative Action Policy and Procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number.

313.652. 1. Any [organization licensed by the commission to conduct a horse race meeting] **licensee** may provide places in the race meeting grounds or enclosure and may conduct and supervise therein the pari-mutuel system of wagering by patrons [of] **on** the [horse] races conducted by such organization licensee at such **race meeting or on simulcasts**.

2. No other [place or] method of betting, pool making, wagering, or gambling shall be used or permitted by the [racetrack] licensee. Each [racetrack] licensee shall deduct the following amounts on all **live** races conducted by it: eighteen percent of the regular mutuel pool, twenty percent of the multiple mutuel pool involving two horses, and twenty-five percent of the multiple mutuel pool involving three or more horses. **Simulcasting shall be taxed at the same rate as live racing as provided in sections 313.652 & 313.655.** "Regular mutuel pool" means a separate wagering pool in which an interest is represented by a single ticket evidencing a single wager on one horse. "Multiple mutuel pool" means a separate wagering pool in which an interest is represented by a single wager on two or more horses. For the first one hundred million dollars of the total pari-mutuel pool for [the licensed race meeting] **live races**, each racetrack licensee shall apply the amounts deducted as follows:

- (1) One percent of the regular mutuel pools, one and one-quarter percent of the multiple mutuel pools involving two horses, and one and one-half percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;

(2) Eight percent of the regular mutuel pools, eight and three-quarters percent of the multiple mutuel pools involving two horses, and eleven percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing **a majority of** the horsemen and the tracks, the agreement to be subject to the approval of the commission;

(3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be [used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules] **paid to the Missouri breeders fund**;

(4) Eight and one-half percent of the regular mutuel pools, nine and one-quarter percent of the multiple mutuel pools involving two horses, and eleven and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

3. For the next fifty million dollars of the total pari-mutuel pool for the [licensed race meeting] **live races in the twelve-month period**, each racetrack licensee shall apply the amount deducted as follows:

(1) Two percent of the regular mutuel pools, two percent of the multiple mutuel pools involving two horses, and two percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;

(2) Seven and one-half percent of the regular mutuel pools, eight and one-half percent of the multiple mutuel pools involving two horses, and ten and one-half percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing the horsemen and the tracks, the agreement to be subject to the approval of the commission;

(3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be [used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules] **paid to the Missouri breeders fund**;

(4) Eight percent of the regular mutuel pools, eight and three-quarters percent of the multiple mutuel pools involving two horses, and eleven and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

4. For all amounts of the total pari-mutuel pool for the [licensed race meeting] **live races in the twelve-month period** in excess of one hundred fifty million dollars, each racetrack licensee shall apply the amount deducted as follows:

(1) Four percent of the regular mutuel pools, four percent of the multiple mutuel pools involving two horses, and four percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;

(2) Six and one-half percent of the regular mutuel pools, seven and one-quarter percent of the multiple mutuel pools involving two horses, and nine and one-half percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing the horsemen and the tracks, the agreement to be subject to the approval of the commission;

(3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be [used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules] **paid to the Missouri breeders fund**;

(4) Seven percent of the regular mutuel pools, eight percent of the multiple mutuel pools involving two horses, and ten and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

5. Each [racetrack] licensee shall pay to the commission, within three days after each day of racing, a tax at the rate specified in this section on the total amount of money wagered on all races that day. The payment of the tax shall be accompanied by a statement of the [racetrack] licensee, or his **or her** duly authorized agent under oath, showing the amount of money wagered that day.

6. Breakage paid in the Missouri horse racing fund shall not be specially allocated for purse money for special races, for breeder and owner awards and for horse racing development; however, breakage may be used for these purposes.

7. Unclaimed winnings paid into the Missouri horse racing fund shall not be specially allocated for purse money for special races, for breeder and owner awards and for horse racing development; however, unclaimed winnings may be used for these purposes.

[8. All moneys provided for breeder incentives shall not lapse and interest earned on such moneys shall be credited the account. The provisions of section 33.080, RSMo, to the contrary notwithstanding, these funds shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.]

313.655. 1. [An organization licensed to conduct racing in this state, with the approval of the commission,] **Any licensee** may contract to conduct pari-mutuel wagering on a simulcast of horse races held at racetracks in this state or other states or countries where the conduct of racing and wagering is permitted by law.

2. Any wagering made under this section shall take place within the confines of the licensee's [racetrack] **race meeting grounds** pursuant to rules promulgated by the commission. [The licensed racetrack may simulcast up to, but not more than the number of days in which it conducts live racing.] **A licensee may conduct pari-mutuel wagering on simulcasts with no limit on the number or frequency of such simulcasts at locations within its race meeting grounds.**

3. Computation of the total takeout and breakage for wagering made under this section shall be the same as that normally applicable to racing conducted by the [licensee] **racetrack at which the races in question are held, as determined by the commission.**

4. After deducting from the takeout the applicable tax of this state on the entire **portion of the** pari-mutuel pool **originating within the confines of the licensee's race meeting grounds**, the amount to be paid under the terms of the contract to the racetrack from which the race or races will be simulcast, and the cost of transmission, the remainder shall be allocated in the same proportions as normally applicable to racing conducted by the licensee.

5. The terms and conditions of any contract [with a racetrack] **for simulcasting from race meeting grounds** made [under] **pursuant to** this section are subject to the approval of the respective groups which represent a majority of the horsemen racing at the track licensed by the commission [and a majority of the applicable breeders in this state].

[6.] The provisions of the Federal Interstate [Horseracing] **Horse Racing** Act of 1978, Title 15, Sections 3001 [through] to 3007, [U.S. Code] **U.S.C., as amended**, shall be instructive regarding the intent of this [section] **subsection.**

6. A licensee may contract with a race track or off-track betting system in another jurisdiction outside Missouri so that the licensee's live races are the subject of simulcasting outside this state. Pari-mutuel wagering on the licensee's live races is permitted when approved by the licensee and conducted in accordance with the Interstate Horse Racing Act of 1978, Title 15, Section 3001 to 3007, U.S.C. as amended. The revenue that a licensee receives from such simulcast wagering shall be retained by the licensee, subject to a deduction of that amount allocated to purse money as determined by an agreement between the licensee and the organization that represents a majority of the horsemen racing at the track.

313.660. 1. No individual shall for a fee, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager in any pari-mutual system of wagering on [horse] racing or for a fee deliver anything of value which has been received outside of the [enclosure of a racetrack holding a horse race licensed under

sections 313.500 to 313.710 to be placed as wagers in the pari-mutual pool within such enclosure.

2.] **race meeting grounds licensed pursuant to sections 313.500 to 313.720.** Any individual violating the provisions of this section shall upon conviction be guilty of a class C felony.

2. A person is guilty of a class A misdemeanor for any of the following:

(1) Operating pari-mutuel wagering without a license issued by the commission; or

(2) Operating pari-mutuel wagering where wagering is permitted other than in the manner specified by sections 313.500 to 313.720.

313.662. A licensee shall allow patrons to cash an outstanding pari-mutuel ticket for a given race up to one hundred eighty days from the date on which said race is made official. Tickets which are not redeemed within such time become valueless and the sum of money represented by such tickets, including breakage, accrue to the licensee.

313.670. 1. No [racetrack] licensee shall knowingly permit any individual under the age of eighteen years unless accompanied by a parent or guardian over the age of eighteen to be admitted to any pari-mutual wagering area during a race meeting, nor shall any [racetrack] licensee knowingly permit any person under the age of eighteen years to wager on any [horse] race conducted by the [organization] licensee.

2. No individual under the age of eighteen years shall knowingly make or attempt to make any wager on any horse race subject to the provisions of sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720.**

3. Any individual who violates this section shall upon conviction be guilty of a class A misdemeanor.

[313.710. A program to encourage and award the owners and breeders of Missouri-bred horses that win horse races in this state may be established by rules and regulations promulgated by the commission.]

313.720. 1. There is hereby created a "Missouri Breeders Fund", which shall not represent revenue collected and moneys received by the state. **The fund shall be used to establish a program to encourage and reward the owners and breeders of Missouri-bred horses that win races in this state. Such a program may be established by rules and regulations promulgated by the commission. The program shall include a "Missouri-Bred" event within two years of the first race held and such event will be held at least five times each calendar year or such greater number as prescribed by the commission.**

2. The fund shall consist of those funds set aside for breeder incentives as provided in [section 313.710] **sections 313.500 to 313.720**, such registration fees for the owners and breeders of Missouri-bred horses as the commission may provide by rule, such gifts, or bequests as the fund may from time to time receive and such funds as the general assembly may provide. [Any gift or bequest shall be credited to such account as the donor or devisee may provide. If no specific account is provided by the donor or designee, such gift or bequest shall be divided equally among the three accounts.]

3. The Missouri breeders fund shall be administered by the commission, with the advice and assistance of advisory committees designated for that purpose by the rules of the commission. The commission shall, at least biennially, carry out such audits as provided by rule. The costs of administration shall be borne by the fund. The commission shall have authority to promulgate such rules as may be necessary or desirable for the efficient operation of the Missouri breeders fund and to provide incentives for breeders and owners of Missouri-bred horses.

4. The Missouri breeders fund shall not lapse and the interest earned on such fund shall be credited to the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, funds in the Missouri breeders fund shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.

Section 1. The district shall award at least twenty-five percent of the aggregate dollar amount of all contracts to

provide goods and services to the commission to minority business enterprises as defined by the office of administration. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission. Any contract awarded to any horse race commission contractor or vendor shall provide that such contractor or vendor shall award a minimum of twenty-five percent of subcontracted business to minority business enterprises as defined by the office of administration."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO

PART II

Amend Part II of House Substitute for Senate Bill No. 1220, by inserting on Page 10 after Line 22 the following:

"313.232. 1. After August 28, 2002, the commission shall not implement or operate any keno game unless it is authorized to do so pursuant to statutory authority or approval by the voters of this state.

2. For the purposes of this section, "keno" shall mean a game of chance where each player is given one or more sheets that have a panel of numbers from which the player chooses certain numbers by marking his or her selections and placing a bet with a clerk who verifies the numbers the player has chosen. A certain amount of numbers are then chosen at random by the person or persons running the keno game and a player wins by matching his or her selected numbers with the numbers that have been chosen at random. A player is paid according to a schedule of payment provided by the person or persons who are running the game. A keno game may also use video or electronic equipment. Keno shall not include the game of bingo as defined in section 313.005."; and

Further amend said bill's title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

PART IV

Amend Part IV of House Substitute for Senate Bill No. 1220, by placing the following in the appropriate position:

"313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county for ten years after the excursion boat has first admitted persons for gambling. After ten years from the date when the excursion boat begins admitting persons for gambling, fifty cents of such fee shall not be considered state funds and shall be paid to the home dock city or county, and fifty cents shall be paid to trust funds created for law enforcement and fire protection with twenty-five cents going to the trust fund for law enforcement and twenty-five cents going to the trust fund for fire protection. The director of the department of public safety is responsible for the administrative duties of the law enforcement and fire protection trust funds. The director shall use the money deposited in these funds solely for funding the equipment and salary needs of law enforcement and fire departments within the state. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free

passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business."; and

Further amend the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 959**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SB 1248**, entitled:

An Act to repeal sections 143.225, 143.431, 143.451, 143.811, 144.190, 313.820, and 313.822, RSMo, and to enact in lieu thereof eleven new sections relating to certain funds for public elementary and secondary education, with an emergency clause.

Emergency clause defeated.

With House Amendment No. 2.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1248, Page 30, Section 144.190, Line 13, by inserting after said line the following:

"7. In lieu of subsection 3 of this section, if any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, or refunded, with interest as determined by section 32.065, RSMo, to the person legally obligated to remit the tax, only if duplicate copies of a claim for refund are filed within three years from date of overpayment and the person legally obligated to remit the tax submits a plan between the person and the director to generally refund the amount of overpayment in equal installments to future customers of the person by mutually agreed to distribution of a fixed value coupon to such customers."

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Gibbons moved that the Senate refuse to recede from its position on **SCS** for **HB 2120** and grant the House a

conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 1279, SB 1162 and SB 1164**, with **SCS, SS No. 2 for SCS and SA 18** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 18 was again taken up.

At the request of Senator Goode, the above amendment was withdrawn.

Senator Steelman offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17, by inserting after all of said line the following:

"Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2002, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Kinder offered **SSA 1** for **SA 19**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 19

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17, by inserting immediately following said line the following:

"Section 1. All construction projects not owned by the state receiving greater than one million dollars of state revenue by appropriation over the prescribed term of the project shall be submitted for approval of the voters of this state prior to any appropriation from the state for such project being authorized."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above substitute amendment be adopted.

President Maxwell assumed the Chair.

Senator Steelman raised the point of order that **SSA 1** for **SA 19** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem.

At the request of Senator Kinder, **SSA 1** for **SA 19** was withdrawn, rendering the point of order moot.

SA 19 was again taken up.

At the request of Senator Steelman, the above amendment was withdrawn.

Senator Gibbons offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 32, Section 67.2033, Line 17, by inserting after all of said line the following:

"5. In no event shall an appropriation be made pursuant to the provisions of subsection 3 of this section unless a lease has been entered into which complies with the provisions of subsection 2 of section 67.2054."; and

Further amend said bill, page 37, section 67.2054, lines 24-28, by deleting all of said lines and inserting in lieu thereof the following: "portion of the profits upon the transfer of assets of the team by any method at any time during the thirty year period of the state's participation pursuant to section 67.2033 and the state's share of which shall be a minimum of twelve percent of any profit on a transfer. Said percentage shall apply to a transfer to a third party by an individual owner proportionate to that owner's share of the ownership. A third party, for the purposes of this subsection, is a person other than the current ownership. The attorney general shall review the agreement between the participants and shall review the terms of any transfer to insure compliance with this section.".

Senator Gibbons moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 20**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 20

Amend Senate Amendment No. 20 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Lines 12 and 13, by deleting the words: "assets of" and inserting in lieu the words: "the owner's ownership interest in".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 20, as amended, was again taken up.

Senator Gibbons moved that the above amendment, as amended, be adopted, which motion prevailed.

Senator Gibbons offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 38, Section 67.2054, Lines 20-29 of said page, by striking all of said lines and inserting in lieu thereof the following:

"4. The team shall provide to the public participants guarantees or other assurances or undertakings satisfactory to them as to the commencement, acquisition, construction, or equipping of the mixed-use facilities, which shall include at a minimum the following:

(1) Approximately one-half of the real property within the sports center redevelopment area which is not used for the stadium and is allocated for mixed-use facilities shall be developed and substantially completed by April 1, 2011. In the event such facilities are not substantially completed by April 1, 2011, the team shall pay aggregate penalties in an amount of one hundred million dollars which penalties shall be payable with at least thirty-five million dollars payable on April 1, 2011, and the balance payable over the anticipated term of any obligations and in the manner and on the terms and within such times as are prescribed in the sports center redevelopment plan; and

(2) The remaining real property within the sports center redevelopment area which is not used for the stadium and is allocated for mixed-use facilities shall be developed and substantially completed by April 1, 2014. In the event such facilities are not substantially completed by April 1, 2014, the team shall transfer, convey or cause the conveyance to the public participants good and marketable title to the real property within the sports center redevelopment area which is not used for the stadium and is allocated for mixed-use facilities."

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered SA 22, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 37, Section 67.2054, Line 12, by deleting said line and insert in lieu thereof the following: "**tickets per year to Missouri youth and other Missouri charitable organizations;**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Steelman offered SA 23:

SENATE AMENDMENT NO. 23

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 37, Section 67.2054, Line 21 of said page, by inserting after "lease" the following: ", **however no moneys from the sale of naming rights shall be used, directly or indirectly, for such operations or maintenance expenses, during the term of the lease**".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered SA 24, which was read:

SENATE AMENDMENT NO. 24

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Pages 42-46, Section 67.2150, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Sims	Staples	Stoll
Westfall	Wiggins	Yeckel--27	
Absent--Senators			
Bentley	Goode	Mathewson	Schneider
Singleton	Steelman--6		

Senator Staples requested unanimous consent of the Senate to suspend the rules and allow the rear gallery to be considered part of the Senate Chamber for the purposes of establishing a quorum for the next 15 minutes, which request was granted.

SA 24 was again taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach assumed the Chair.

Senator Steelman offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 31, Section 67.2033, Line 12 of said page, by striking the following: "on the date of the"; and further amend lines 13-29 of said page, by striking all of said lines; and

Further amend said bill, Page 32, Section 67.2033, Lines 1-6 of said page, by striking all of said lines; and further amend line 7 of said page, by striking the following: "for tax exempt financing."; and

Further amend said bill, Page 39, Section 67.2054, Line 22 of said page, by inserting after all of said line the following:

"9. Notwithstanding any other provision of law to the contrary, the naming rights of the stadiums shall be the sole and total property of the authority. The team and the ownership of said team have no interest in said naming rights. All proceeds received from the naming of said stadium shall be deposited in the state naming rights fund or paid to the state of Missouri as general revenue. On the date of the issuance of the bonds, the maximum amount of revenue received from naming rights for the stadium, subject to the limitations of the internal revenue code for tax exempt financing shall be deposited in the state naming rights fund. Any grant above that amount shall be paid to the state of Missouri. Available amounts through the state naming rights fund shall be drawn upon by the state in the event that the cumulative new state revenues from the sports center redevelopment area, measured initially five years following the issuance of the bonds and at five-year intervals thereafter and taking into account any prior payments to the state are less than the cumulative annual appropriations for the applicable period made by the state for the debt service on the bonds. Any amounts above the maximum amount allowable to reimburse the state, subject to the limitations of the internal revenue codes for tax exempt financing, and to the reimbursement of the state for any deficiency in the new state revenues are excess amounts in the state naming rights fund, as determined by the state, and shall be transferred to the school building revolving fund pursuant to section 166.300, RSMo. In the event that the state naming rights fund shall be drawn upon for reimbursement of the state for any deficiency in the new state revenues, then the amount in the state naming rights fund shall be restored by the team in the amount required by the state to the extent of any additional revenues from naming rights, subject to the limitations of the internal revenue codes for the tax exempt financing.".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 32, Section 67.2033, Line 17 of said page, by inserting after all of said line the following:

"5. Beginning in July of the eighth calendar year after adoption of the resolution or declaration approving the

need for a sports center redevelopment authority, in the event a deficiency exists for any year in which the state has provided an annual appropriation for purposes of providing debt service pursuant to this subsection, the auditor shall notify the commissioner of administration and the team and any deficiency resulting in insufficient appropriations for purposes of providing debt service pursuant to this subsection shall be paid by the team to the state for reimbursement of the deficit. No provision of this section shall be deemed to relieve the state of any obligations arising due to the issuance of bonds pursuant to sections 67.2000 to 67.2060."

Senator Schneider moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Goode offered **SA 1 to SA 26**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 26

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 1, Section 67.2033, Line 13 of the amendment, by inserting immediately after the word "**team**" the following: "as defined in section 67.2054"; and further amend said bill, page 4, section 67.642, line 13, by inserting after all of said line the following:

"6. Beginning July 1, 2006, in the event a deficiency exists for any year in which the state has provided an annual appropriation pursuant to this section, the auditor shall notify the commissioner of administration and any team subject to a lease pursuant to this section and any deficiency resulting in insufficient appropriations for purposes of providing debt service pursuant to this subsection shall be paid by the team or teams subject to such lease. For the purpose of this section a "deficiency" shall mean the extent to which the cumulative annual appropriations pursuant to this section exceed the new state revenues, as defined in section 99.845, RSMo, generated by real property owned by the Jackson County Sports Complex Authority created pursuant to sections 64.920 to 64.950, RSMo."

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Singleton assumed the Chair.

SA 26 was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 62, Section 99.845, Line 14 of said page, by inserting after all of said line the following:

"16. This section shall apply to a municipality's redevelopment plans and projects in redevelopment areas consisting of or containing residential and multifamily properties only upon approval of the tax increment allocation financing proposal by the school board or boards of the school district or districts in which the residential or multifamily properties are located."

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Klarich assumed the Chair.

Senator Steelman offered **SA 28**, which was read:

SENATE AMENDMENT NO. 28

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 39, Section 67.2054, Line 22 of said page, by inserting immediately after said line the following:

"9. In the event of a strike, the team shall be responsible for paying any bond obligation of the state arising pursuant to section 67.2033, RSMo, in proportion to the portion of the year during which the strike was in effect."

Senator Rohrbach assumed the Chair.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 28** was withdrawn.

Senator Schneider offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 30, Section 67.2033, Line 29, by inserting after the number "3." the following: **"An excursion boat licensee shall pay fifty cents for each person disembarking from an excursion gambling boat whether or not such person engages in gambling activities. Such amount shall not be collected after thirty years following the date of the issuance of the bonds authorized by section 67.2003. This money shall be for the purpose of reimbursing the state for all appropriations made pursuant to this act."**

Senator Schneider moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 29** is out of order in that it exceeds the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 2, Section 67.642, Line 17, by deleting "African American" and inserting **"Multi-cultural"**; and

Further delete on line 20 "African American" and inserting **"Multi-cultural"**.

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Gross offered **SA 31**:

SENATE AMENDMENT NO. 31

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 20, Section 67.2018, Line 11, by inserting after the word "bonds" the following "provided that, no contribution of real property by a major league sports franchise to a sports center redevelopment authority for purposes of a sports center redevelopment project shall be allowed as a deduction on such major league franchise's state tax return pursuant to Chapter 143, RSMo".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

President Maxwell assumed the Chair.

Senator Steelman offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 39, Section 67.2054, Line 22 of said page, by inserting immediately after said line the following:

"9. In the event of a strike or a lockout, the team shall reimburse the state for any deficiency in the amount of revenue necessary to meet the requirements of any bond obligation of the state arising pursuant to section 67.2033, RSMo, in proportion to the portion of the year during which the strike was in effect."

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 7, Section 67.2003, Line 14, by inserting immediately after "(a)" the following: "Thirty-eight and one-half percent of" and further amend said page and section, line 29, by inserting immediately after "(b)" the following: "Fifty percent of".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 34**:

SENATE AMENDMENT NO. 34

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 62, Section 99.845, Line 14 of said page, by inserting after all of said line the following:

"143.183. 1. As used in this section, the following terms mean:

(1) "Nonresident entertainer", a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) "Nonresident member of a professional athletic team", a member of a professional athletic team residing outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) "Personal service income" includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) "Professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax, an amount equal to two percent of the total compensation paid to the nonresident entertainer.
3. Any person or entity required to deduct and withhold tax pursuant to subsection 2 of this section, shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.
4. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, 2008, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri arts council trust fund established in section 185.100, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. Notwithstanding other provisions of this section, the Missouri arts council shall not be appropriated more than ten million dollars in any fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.
5. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri humanities council trust fund established in section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.
6. Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred, subject to appropriation, from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.
7. Notwithstanding other provisions of section 37.200, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri public television broadcasting corporation special fund established in section 37.200, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to

the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

8. Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund established in section 253.402, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. As authorized pursuant to subsection 2 of section 30.953, RSMo, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, on January 2, 2009; and the Missouri humanities council trust fund, on January 2, 2009.

9. In no event shall a nonresident entertainer or nonresident member of a professional athletic team be deemed to be exempt from the provisions of this section as a result of employment by any entity organized pursuant to the laws of this state or doing business in this state."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 35**:

SENATE AMENDMENT NO. 35

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17 of said page, by inserting after all of said line the following:

"Section B. The provisions of section 1.140, RSMo, to the contrary notwithstanding, the provisions of sections 67.642, 67.2000, 67.2003, 67.2006, 67.2009, 67.2012, 67.2015, 67.2018, 67.2021, 67.2024, 67.2027, 67.2030, 67.2033, 67.2036, 67.2039, 67.2042, 67.2045, 67.2048, 67.2051, 67.2054, 67.2057, 67.2060, 67.2076, 67.2150, 99.845, 172.273 and 253.559 of this act are nonseverable and if one is found invalid or unconstitutional, the others are also void.";

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Steelman offered **SA 36**:

SENATE AMENDMENT NO. 36

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17, by inserting after all of said line the following:

"Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election

which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2002, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Mathewson, Rohrbach, Russell and Sims.

SA 36 failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Goode	Gross	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Singleton	Stelman	Stoll--12
NAYS--Senators			
Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Gibbons	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Quick	Sims
Staples	Westfall	Wiggins	Yeckel--20
Absent--Senator Foster--1			
Absent with leave--Senator DePasco--1			

Senator Schneider offered **SA 37**:

SENATE AMENDMENT NO. 37

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 30, Section 67.2033, Line 29, by inserting after the number "3." the following: "**An excursion boat licensee shall pay fifty cents for each person disembarking from an excursion gambling boat whether or not such person engages in gambling activities. The licensee shall pay the proceeds to the state in quarterly installments. This money shall reim-burse the state for all appropriations made pur-suant to sections 67.2003, 67.642, and 67.2076.**".

Senator Schneider moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 37** is out of order as the amendment goes beyond the scope and purpose of the bill by adding new subject matter.

The point of order was referred to the President Pro Tem, who ruled it well taken.

A quorum was established by the following vote:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Stelman	Stoll	Westfall	Wiggins

Senator Schneider offered **SA 38**:

SENATE AMENDMENT NO. 38

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17, by inserting immediately after all of said line the following:

"Section 1. In addition to the sales taxes imposed pursuant to chapter 144, RSMo, a tax is hereby levied and imposed on all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state at the rate of tax of one thirty-second of one percent. The revenues produced by the provisions of this section shall be collected for the purpose of reimbursing the state for the costs of this act."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 38** is out of order as the amendment goes beyond the scope and purpose of the bill by adding a second subject matter.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 38 was again taken up.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Russell and Wiggins.

SA 38 failed of adoption by the following vote:

YEAS--Senators			
Goode	Schneider--2		
NAYS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

Senator Kinder moved that **SS No. 2** for **SCS** for **SBs 1279, 1162** and **1164**, as amended, be adopted.

Senator Steelman requested a roll call vote be taken on the adoption of **SS No. 2** for **SCS** for **SBs 1279, 1162** and **1164**, as amended, and was joined in her request by Senators Kinder, Mathewson, Staples and Wiggins.

SS No. 2 for **SCS** for **SBs 1279, 1162** and **1164**, as amended, was adopted by the following vote:

Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Loudon	Quick	Sims
Staples	Wiggins	Yeckel--19	
	NAYS--Senators		
Caskey	Cauthorn	Foster	Goode
Johnson	Klindt	Mathewson	Rohrbach
Russell	Schneider	Singleton	Steelman
Stoll	Westfall--14		
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

On motion of Senator Kinder, **SS No. 2** for **SCS** for **SBs 1279, 1162** and **1164**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1105**. Representatives Green (73), Bonner, Wilson (42), Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1106**. Representatives Green (73), Ransdall, Wilson (42), Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1107**, as amended. Representatives Green (73), Ransdall, Wilson (42), Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1108**. Representatives Green (73), Kelly (27), Wilson (42), Bearden, Legan.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 2120**: Senators Gibbons, Gross, Yeckel, Goode and Kennedy.

Senator Kenney noted the 43rd Wedding Anniversary of Melvin and Pat Propst.

REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointment appearing on Page 1110 of today's Journal to the

Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HJR 47**--Commerce and Environment.

HB 1350--Local Government and Economic Development.

HCS for **HB 1216**--Public Health and Welfare.

HCS for **HB 1656**--Judiciary.

HB 1627--Local Government and Economic Development.

HS for **HCS** for **HB 1650**--Commerce and Environment.

HS for **HCS** for **HB 1577, 1760, 1433, 1430, 1029** and **1700**--Judiciary.

HS for **HB 1307**--Transportation.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1661, regarding Chris Ahern, Atlanta, which was adopted.

Senator Westfall offered Senate Resolution No. 1662, regarding Pamella Cryderman, Bolivar, which was adopted.

Senator Westfall offered Senate Resolution No. 1663, regarding Rosemary Frerking, Humansville, which was adopted.

Senator Westfall offered Senate Resolution No. 1664, regarding the Aurora Future Farmers of America, Aurora, which was adopted.

Senator Bland offered Senate Resolution No. 1665, regarding James T. "Jim" Nunnely, MPA, Jackson County, which was adopted.

Senator Bland offered Senate Resolution No. 1666, regarding Jermaine Reed, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Klarich, the President introduced to the Senate, Kristy Bryan and her daughter, Sara, Springfield; and Sara was made an honorary page.

Senator Stoll introduced to the Senate, Kevin Gillespie, Kristy Wiltz and 22 seventh and eighth grade Student Council members from Northwest Valley School, House Springs.

On behalf of Senator Rohrbach and himself, Senator Caskey introduced to the Senate, Alan Breshears, Jefferson City.

Senator Gross introduced to the Senate, seventh grade students from Immanuel Lutheran School, St. Charles.

Senator Gross introduced to the Senate, his daughter, Megan, St. Charles; and Megan was made an honorary page.

Senator Kinder introduced to the Senate, volunteers with the American Red Cross.

Senator Yeckel introduced to the Senate, Kathy Shelton and students from Trautwein School, St. Louis; and Bree Waneach, Jamie Joiner and Josh Posgay were made honorary pages.

Senator Wiggins introduced to the Senate, Shaun Emerson, Kansas City.

Senator Staples introduced to the Senate, students from Southern Reynolds County School, Ellington; and Brittany White and Craig Foster were made honorary pages.

Senator Kennedy introduced to the Senate, Jim and Kristin Majewski, St. Louis.

Senator Gibbons introduced to the Senate, students from Nipher Middle School, Webster Groves.

Senator Gibbons introduced to the Senate, Stacey Deutsch and fourth grade students from Hudson Elementary School, Webster Groves.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Friday, May 3, 2002.

SENATE CALENDAR

SIXTY-FIFTH DAY-FRIDAY, MAY 3, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1460-Hilgemann

HCS for HB 1695

HS for HCS for HBs 1729,

1589 & 1435-Barnitz

HCS for HJR 51

HB 1726-Walton, et al

HCS for HB 1120

HB 1121-Green (73)

HCS for HB 1777

HB 1988-Kelly (144)

HB 2097-Copenhaver, et al

HB 2137-Crump

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al

(In Budget Control)

HOUSE BILLS ON THIRD READING

1. HB 1953-Van Zandt, et al,

with SCS (Singleton)

2. HB 1446-Luetkenhaus,

with SCS (Kenney)

3. HCS for HB 1888, with

SCS (Klarich)

4. HBs 1270 & 2032-Gratz,

with SCS (Westfall)

5. HB 1712-Monaco, et al,

with SCS (Klarich)

6. HS for HB 1994-Hosmer (Bentley)

7. HCS for HB 1443, with

SCS (Gibbons)

8. HB 1041-Myers, with SCS (Foster)

9. HB 1600-Treadway

(Mathewson)

10. HB 2008-O'Connor,

with SCS (Kenney)

11. HS for HCS for

HB 1532-Hoppe,

with SCS (Gross)

12. HB 1348-Myers, et al,

with SCS (Foster)

13. HB 1402-Burton, et al,

with SCS (Steelman)

14. HB 2023-Franklin,

with SCA 1 (Foster)

15. HB 1086-Harlan, with

SCS (House)

16. HB 1926-Fraser, et al

(Quick)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS

(pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al,

with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al,

with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al,
with SCS

SB 1046-Gross and House,
with SCS (pending)

SB 1052-Sims, with SCS,
SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach
and Kenney, with SCS, SS
for SCS & SA 3 (pending)

SB 1087-Gibbons, et al, with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,
with SS and SA 3 (pending)

SB 1103-Westfall, et al,
with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SB 1281-Russell and Goode

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al, with

SCS (pending) (Coleman)

HB 1078-Whorton, et al, with

SCS (pending) (Mathewson)

HB 1811-Gambaro, with SCS

(pending) (Dougherty)

HB 1085-Mays (50) (Quick)

HB 1781-Green (73) and

Ladd Baker (Russell)

HB 1783-Lowe, et al, with

SCS (Rohrbach)

HB 1636-Hoppe, with SCS

(Wiggins)

HB 1840-Seigfreid (Mathewson)

HB 1032-Portwood (Steelman)

HB 1313-Burton, with SCS

(Foster)

HB 1937-Barry, with SCA 1

(Singleton)

HB 1776-Harlan, with SCS

(Kennedy)

HB 2001-Hegeman, et al

(Foster)

HB 1921-Green (73), with

SCS (Klarich)

HB 2117-Boucher (Caskey)

HB 1519-Boucher (Yeckel)

HB 1375-Luetkenhaus (Yeckel)

HB 1342-Farnen (Yeckel)

HB 1668-Holt, et al (House)

HB 1822-Walton (Yeckel)

HB 1492-Seigfreid, with

SCS (Mathewson)

HB 1495-Seigfreid, with

SCS (Mathewson)

HB 1265-Gratz and Vogel,

with SCS (Childers)

HB 2080-Britt, et al,

with SCS (Foster)

HB 1674-O'Toole and

Dempsey (Stoll)

HB 1890-Hilgemann, et al,

with SCS (Gross)

HB 1518-Luetkenhaus (Rohrbach)

HB 1568-Luetkenhaus, with

SCS (Rohrbach)

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS (Rohrbach)

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS (House)

HB 1918-Koller, with SCS

(Staples)

HBs 1093, 1094, 1159, 1204,

1242, 1272, 1391, 1397,

1411, 1624, 1632, 1714,

1755, 1778, 1779, 1852,

1862, 2025 & 2123-Relford

and Seigfreid, with SCS

(Mathewson)

HBs 1141, 1400, 1645, 1745

& 2026-Naeger, with SCS

(Yeckel)

HBs 1205, 1214, 1314, 1320,
1504, 1788, 1867 & 1969-
Seigfreid and Relford, with
SCS (Mathewson)
HB 1075-Nordwald (House)
HB 2062-Hosmer, et al (Westfall)
HB 1789-Ross, et al, with
SCS (Klarich)
HB 1643-Holand and Barry
(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,
with HCS
SB 695-Dougherty and Sims,
with HCS
SB 714-Singleton, with HCS
SCS for SB 737-Cauthorn
and Russell, with HCS
SB 749-Goode, with HCS
SB 758-Bentley, with HCS
SCS for SB 776-House,
with HCS
SB 786-Goode, with HCS
SB 795-Schneider, with HCS
SB 932-Klarich, with HCS

SCS for SB 947-Klindt and

Stoll, with HCS

SB 950-Gibbons and Klarich,

with HCS

SCS for SB 957-Loudon,

et al, with HCS

SCS for SB 960-Kenney,

et al, with HCS

SB 961-Wiggins, et al, with HCS

SB 962-Wiggins, with HCS

SCS for SB 980-Singleton

and Schneider, with HCS

SB 992-Johnson, with HCS

SB 1012-Caskey, with HCS

SB 1041-Russell, with

HCA's 1, 2 & 3

SB 1078-Kennedy, with HCS

SCS for SBs 1086 & 1126-

DePasco, with HCS

SCS for SB 1093-Loudon,

with HCS

SB 1094-Russell, with HCS

SB 1102-Westfall, with HCS

SCS for SB 1113-Caskey,

with HCS

SB 1119-Johnson, with HCS

SB 1168-Russell, with HCA 1

SB 1199-Foster, with HCA 1

SCS for SB 1202-Westfall,

with HCS

SCS for SB 1210-Johnson,

with HCS

SCS for SB 1212-Mathewson,

with HCS

SB 1213-Mathewson, with HCS

SB 1220-Sims, with HS, as

amended

SB 1244-Bland, et al, with HCS

SS for SB 1248-Mathewson,

with HS for HCS, as amended

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1101, with SCS

(Russell)

HCS for HB 1102, with SCS,

as amended (Russell)

HCS for HB 1103, with SCS,

as amended (Russell)

HCS for HB 1104, with SCS,

as amended (Russell)

HCS for HB 1105, with SCS

(Russell)

HCS for HB 1106, with SCS

(Russell)

HCS for HB 1107, with SCS,

as amended (Russell)

HCS for HB 1108, with SCS

(Russell)

HCS for HB 1109, with SCS

(Russell)

HCS for HB 1110, with SCS

(Russell)

HCS for HB 1111, with SCS,

as amended (Russell)

HCS for HB 1112, with SCS

(Russell)

HCS for HB 1711, with SAs 1, 2,

3, 4, 5, 6, 7, 8 & 11

(Jacob)

(House adopted CCR

and passed CCS)

HB 2120-Ridgeway and

Hosmer, with SCS (Gibbons)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1602-Klarich, with SS

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS

HCS for HCR 11 (House)

SCR 60-Kennedy, with SCS (pending)

SCR 57-Steelman, with SCS

(pending)

SCR 66-Loudon

HCR 13-Bowman, et al

HCR 16-Farnen, et al

HCR 24-Kreider

MISCELLANEOUS

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIFTH DAY--FRIDAY, MAY 3, 2002

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Take care that you do not forget the Lord your God.: (Deuteronomy 8:11a)

Lord God, let us never forget You or how loving and gracious You are to us. You have blessed us with good work to do and given us joy and friendship for which we give You thanks and praise. May we rejoice in Your presence this shortened weekend as we share the warmth of love with those You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
DePasco	Sims--2	The Lieutenant Governor was present.	

RESOLUTIONS

Senator Bentley, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1667

WHEREAS, Jack Steele Curtis was born to Arthur Melvin and Jeanette (Steele) Curtis in Hartville, Missouri, on March 25, 1912, and was living in Springfield on April 20, 2002, when God took him home to the love and beauty of His everlasting light; and

WHEREAS, Jack Curtis had the honor and privilege of serving his fellow Missourians as State Senator of the Thirtieth District from 1954 to 1970, during which time he sat on the Missouri Atomic Energy Commission, the World's Fair Commission, and the Coordinating Commission for Handicapped, of which he was Chairman, and took on responsibilities for the Republican Party as Minority Floor Leader in the 71st and 73rd General Assemblies; and

WHEREAS, a partner in the law firm of Farrington and Curtis since 1935, Jack Curtis was a member of the Greene County Bar Association, the Missouri Bar Association, the American Bar Association, and the Sertoma Club; and

WHEREAS, Jack Curtis, a former Lieutenant in the United States Naval Reserve, served as a leader and member of countless organizations, some of which include the Visiting Nurses Association, the Cerebral Palsy Association, the Paul Mueller Company, Boatmen's Union National Bank, Boatmen's Springfield National Bank, and the Wright County Bank; and

WHEREAS, Jack Curtis had also served as Chairman and Vice Chairman of the Missouri State Highway Commission, as Springfield City Attorney, as Project Attorney for the Relocation Authority in Roherer and McGehee, Arkansas, and as an Elder for First and Calvary Presbyterian Church; and

WHEREAS, Jack Curtis will be greatly missed by his grieving family whose members include one daughter and son-in-law, Nancy Curtis Knauer and Link Knauer; three grandchildren, Sara Ann Knauer of Springfield, Patrick Curtis Knauer of Austin, Texas, and Mary Bethany Knauer of Springfield; one sister-in-law, Mrs. E.C. Curtis; and several nieces and nephews; his wife, Helen (Stamate) Curtis, of sixty-two years preceded him in death on September 26, 2001; and

WHEREAS, former Senator Jack Curtis has long been regarded as a true statesman and a voice of reason for the benefit of the state he so admired:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously in paying final tribute to the late Jack Curtis and in expressing to his family our deepest sympathy at this difficult time of tremendous personal loss; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of the late Jack Steele Curtis.

CONCURRENT RESOLUTIONS

Senator Loudon moved that **SCR 66** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Loudon, **SCR 66** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Singleton	Steelman	Stoll
Westfall	Yeckel--22		
NAYS--Senators			
Johnson	Kennedy	Mathewson	Quick
Staples	Wiggins--6		
Absent--Senators			
Bentley	Bland	Schneider--3	
Absent with leave--Senators			
DePasco	Jacob	Sims--3	

President Pro Tem Kinder declared the concurrent resolution passed.

On motion of Senator Loudon, title to the concurrent resolution was agreed to.

Senator Loudon moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Loudon moved that **SCR 43**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 43** was taken up.

Senator Loudon moved that **SCS** for **SCR 43** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCR 43**, as amended by the **SCS**, was adopted by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Quick	Schneider--4
Absent with leave--Senators			
DePasco	Jacob	Sims--3	

Senator Steelman moved that **SCR 57**, with **SCS** (pending), be taken up for adoption, which motion prevailed.

SCS for **SCR 57** was again taken up.

Senator Steelman moved that **SCS** for **SCR 57** be adopted.

Senator Dougherty offered **SS** for **SCS** for **SCR 57**:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 57

WHEREAS, sustained investment in utility infrastructure which include: electric, natural gas, water, sewer and heating is vital to economic vitality and well-being in the State of Missouri; and

WHEREAS, just and reasonable utility rates to Missouri business and residential consumers are vital to the economic vitality and well-being in the State of Missouri; and

WHEREAS, safe and reliable utility service at affordable and stable prices are vital to economic vitality and well-being of the State of Missouri; and

WHEREAS, the safety, economic well-being and quality of working conditions in these utilities are vital factors in the reliability and stability of utility service; and

WHEREAS, Missouri utility companies compete with utility companies in other states for the capital necessary to sustain adequate investment in utility infrastructure in Missouri; and

WHEREAS, Missouri utility companies should achieve reasonable rates of return in order to ensure sustained adequate investment in utility infrastructure; and

WHEREAS, Missouri consumers served by utility companies are entitled to reliable service, and such service requires adequate investment in utility infrastructure; and

WHEREAS, the utility regulatory process in Missouri is governed primarily by Chapter 393, RSMo, which is largely unchanged since the original enactment in 1913; and

WHEREAS, the regulation of utilities in Missouri has become increasingly complicated by the creation of subsidiary corporations, company mergers, movement of assets, sale of assets to foreign entities, merchant plans and separation and/or reorganization of traditional utility operations; and

WHEREAS, effective and vigorous public oversight of this increasingly complex industry is needed in order to prevent harm in the form of financial instability and lack of accountability in the utility industry that affects shareholders, workers, consumers and the State of Missouri; and

WHEREAS, the utility regulatory process may benefit from an evaluation at this time to strengthen the regulatory process in order to ensure safe and reliable utility service at affordable and stable prices and to promote the interests of fairness and balance among all constituencies, including consumers, workers and shareholders of regulated utility companies; and

WHEREAS, by addressing policy and practice advances in areas including, but not limited to, non-traditional regulatory rate plans, competitiveness of rates, alternative rates and rate design to benefit consumers, capital recovery schedules, consistency of utility regulatory policy with generally accepted accounting principles, consistency of utility regulatory policy with financial accounting standards, consistency of utility regulatory policy with generally accepted engineering principles, communication between and among participants in the regulatory process, time schedules for the initiation and conclusion of proceedings before utility regulatory agencies, the role, function and needs of the Public Service Commission, the role, function and needs of the Office of Public Counsel and the overall structure and cost of governmental utility regulatory agencies and the utility regulatory process:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Legislative Committee on Utility Regulation and Infrastructure Investment; and

BE IT FURTHER RESOLVED that said Committee be composed of five members of the Senate, to be appointed by the President Pro Tem and five members of the House of Representatives to be appointed by the Speaker of the House and that said Committee be authorized to function throughout the entirety of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said Committee conduct in-depth studies and make appropriate recommendations concerning: how the utility regulatory process and the results thereof in Missouri in regard to utility companies to compare the regulatory process in other states; and how the utility regulatory process in Missouri in regard to electric, natural gas, water sewer and heating utility companies can, or if it should, be changed to make it more efficient and effective, ensure sustained adequate investment in utility infrastructure as a means to provide safe and reliable utility service and affordable and stable prices to Missouri consumers, and to promote the interests of fairness and balance among all constituencies, including consumers, workers and shareholders of regulated utility companies; and

BE IT FURTHER RESOLVED that said Committee present a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-third General Assembly; and

BE IT FURTHER RESOLVED that said Committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Office of Public Counsel, the Department of Natural Resources, political subdivisions of this state, energy utilities, water utilities, sewer utilities, heating corporations, representatives of workers and representatives of energy and water customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Committee, its members and any staff personnel assigned to the Committee incurred in attending meetings of the Committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Senator Dougherty moved that **SS** for **SCS** for **SCR 57** be adopted.

At the request of Senator Steelman, her motion was withdrawn, placing the concurrent resolution back on the Calendar, with **SCS** and **SS** for **SCS** (pending).

Senator Kenney moved that **HCR 16** be taken up for 3rd time and final passage, which motion prevailed.

On motion of Senator Kenney, **HCR 16** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Staples--2		
Absent with leave--Senators			
DePasco	Jacob	Sims--3	

President Maxwell assumed the Chair.

The President declared the concurrent resolution passed.

On motion of Senator Kenney, title to the concurrent resolution was agreed to.

Senator Kenney moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Senator Schneider moved that **HCR 5** be taken up for adoption, which motion prevailed.

On motion of Senator Schneider, **HCR 5** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Schneider
Singleton	Steelman	Stoll	Westfall
Wiggins--25			
NAYS--Senators--None			
Absent--Senators			
Bland	Goode	Quick	Russell
Staples	Yeckel--6		
Absent with leave--Senators			
DePasco	Jacob	Sims--3	

Senator House moved that **HCS** for **HCR 11** be taken up for adoption, which motion prevailed.

On motion of Senator House, **HCS** for **HCR 11** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Goode--1
Absent--Senator Bland--1
Absent with leave--Senators

DePasco	Jacob	Sims--3
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HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HB 1078**, with **SCS** (pending), be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 1078** was again taken up.

Senator Mathewson moved that **SCS** for **HB 1078** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 1078** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--28
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Bland		Stoll--2	
	Absent with leave--Senators		
DePasco	Jacob	Sims--3	

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1636, with **SCS**, introduced by Represen-tative Hoppe, entitled:

An Act to repeal section 115.507, RSMo, and to enact in lieu thereof one new section relating to election authority verification boards.

Was called from the Consent Calendar and taken up by Senator Wiggins.

SCS for **HB 1636**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1636

An Act to repeal section 115.507, RSMo, and to enact in lieu thereof one new section relating to election authority verification boards.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 1636** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HB 1636** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Stoll--2		
Absent with leave--Senators			
DePasco	Jacob	Sims--3	

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1840, introduced by Representative Seigfreid, entitled:

An Act to repeal section 105.477, RSMo, and to enact in lieu thereof one new section relating to electronic filing of lobbying reports.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 1840** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson

Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland Quick--2

Absent with leave--Senators

DePasco Jacob Sims--3

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Childers assumed the Chair.

HB 1032, introduced by Representative Portwood, entitled:

An Act to repeal section 191.400, RSMo, and to enact in lieu thereof one new section relating to the state board of health.

Was called from the Consent Calendar and taken up by Senator Steelman.

On motion of Senator Steelman, **HB 1032** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Schneider	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland Quick Russell--3

Absent with leave--Senators

DePasco Jacob Sims--3

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1313, with **SCS**, introduced by Representative Burton, entitled:

An Act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, and 334.670, RSMo, and to enact in lieu thereof ten new sections relating to physical therapists and physical therapist assistants.

Was called from the Consent Calendar and taken up by Senator Foster.

SCS for **HB 1313**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1313

An Act to repeal section 334.540, RSMo, and to enact in lieu thereof one new section relating to physical therapists.

Was taken up.

Senator Foster moved that **SCS** for **HB 1313** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HB 1313** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider--2		
Absent with leave--Senators			
DePasco	Jacob	Sims--3	

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1937, with **SCA 1**, introduced by Representative Barry, entitled:

An Act to repeal sections 324.147, 324.150 and 324.171, RSMo, and to enact in lieu thereof three new sections relating to the licensure of clinical perfusionists.

Was called from the Consent Calendar and taken up by Senator Singleton.

SCA 1 was taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Singleton, **HB 1937**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Quick	Schneider	Stoll--4
Absent with leave--Senators			
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1776, with **SCS**, introduced by Representative Harlan, entitled:

An Act to repeal section 59.800, RSMo, and to enact in lieu thereof one new section relating to county recorders of deeds.

Was called from the Consent Calendar and taken up by Senator Kennedy.

SCS for **HB 1776**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1776

An Act to repeal sections 28.160 and 59.800, RSMo, and to enact in lieu thereof two new sections relating to certain state fund accounts.

Was taken up.

Senator Kennedy moved that **SCS** for **HB 1776** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **HB 1776** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Steelman	Westfall
Wiggins	Yeckel--26		

NAYS--Senator Gross--1

Absent--Senators

Coleman	Schneider	Singleton	Staples
Stoll--5			

Absent with leave--Senators

DePasco	Sims--2
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The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1783, with **SCS**, introduced by Representative Lowe, et al, entitled:

An Act to repeal sections 161.400, 161.403, 161.405, 161.407, 191.928, 191.934, 209.285, 209.287, 209.318, 209.319, 209.321, 209.323, 209.326, 209.334, 476.750, 476.760, and 476.763, RSMo, and to enact in lieu thereof seventeen new sections relating to the deaf and hard of hearing.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 1783**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1783

An Act to repeal sections 161.400, 161.403, 161.405, 161.407, 191.928, 191.934, 209.285, 209.287, 209.292, 209.318, 209.319, 209.321, 209.323, 209.326, 209.334, 476.750, 476.760, and 476.763, RSMo, and to enact in lieu thereof twenty new sections relating to the deaf and hard of hearing.

Was taken up.

Senator Gibbons assumed the Chair.

Senator Rohrbach moved that **SCS** for **HB 1783** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 1783** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators--None

Absent--Senators

Coleman	Goode	Jacob	Schneider
Singleton	Staples--6		

DePasco

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1921

An Act to repeal sections 370.061 and 370.120, RSMo, and to enact in lieu thereof two new sections relating to credit unions.

Was taken up.

Senator Klarich moved that **SCS** for **HB 1921** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **HB 1921** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--29			

NAYS--Senators--None

Absent--Senators

Bentley	Coleman	Yeckel--3
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Absent with leave--Senators

DePasco	Sims--2
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The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 2117, introduced by Representative Boucher, entitled:

An Act to repeal section 191.863, RSMo, and to enact in lieu thereof one new section relating to the assistive technology advisory council.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 2117** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		

Bentley	Coleman	Jacob	Schneider--4
	Absent with leave--Senators		
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1519, introduced by Representative Boucher, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of patriots day.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 1519** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators--None	
	Absent--Senators	
Bentley	Coleman	Jacob--3
	Absent with leave--Senators	
DePasco	Sims--2	

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1375, introduced by Representative Luetkenhaus, entitled:

An Act to repeal section 443.415, RSMo, and to enact in lieu thereof one new section relating to mortgage insurance amounts.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 1375** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers

Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Coleman	Goode	Quick--4
	Absent with leave--Senators		
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1342, introduced by Representative Farnen, entitled:

An Act to repeal section 115.613, RSMo, and to enact in lieu thereof one new section relating to political party committeemen and committee-women, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 1342** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Cauthorn	Childers
Coleman	Dougherty	Foster	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Schneider
Singleton	Steelman	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators		
Caskey	Gibbons	Jacob	Rohrbach
Russell	Stoll--6		
	Absent--Senator Staples--1		
	Absent with leave--Senators		
DePasco	Sims--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Cauthorn	Childers
Dougherty	Foster	Goode	House
Jacob	Johnson	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Caskey	Gibbons	Gross	Rohrbach--4
	Absent--Senator Coleman--1		
	Absent with leave--Senators		
DePasco	Sims--2		

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Jacob moved that the Senate refuse to adopt the conference committee report on **HCS** for **HB 1711**, as amended, and request the House to grant further conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1668, introduced by Representative Holt, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Emergency Personnel Appreciation Day.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 1668** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Quick--2		
	Absent with leave--Senators		
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1822, introduced by Representative Walton, et al, entitled:

An Act to repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to leave of absences to perform military duty.

Was called from the Consent Calendar and taken up by Senator Yeckel.

President Maxwell assumed the Chair.

On motion of Senator Yeckel, **HB 1822** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Russell
Schneider	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Quick	Rohrbach
Singleton--5			
Absent with leave--Senators			
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1492, with **SCS**, introduced by Represen-tative Seigfreid, entitled:

An Act to repeal section 130.046, RSMo, and to enact in lieu thereof one new section relating to elections.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **HB 1492**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1492

An Act to repeal section 130.046, RSMo, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 1492** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 1492** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Quick Russell--2

Absent with leave--Senators

DePasco Sims--2

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1495, with **SCS**, introduced by Represen-tative Seigfreid, entitled:

An Act to repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to elections.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **HB 1495**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1495

An Act to repeal section 130.016, RSMo, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 1495** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 1495** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators--None	
	Absent--Senators	
Coleman	Jacob	Kinder--3
	Absent with leave--Senators	
DePasco	Sims--2	

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1265, with **SCS**, introduced by Represen-tatives Gratz and Vogel, entitled:

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to registration with the selective service system.

Was called from the Consent Calendar and taken up by Senator Childers.

SCS for **HB 1265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1265

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to registration with the Selective Service system, with an effective date.

Was taken up.

Senator Childers moved that **SCS** for **HB 1265** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **HB 1265** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Kinder	Schneider--2		
	Absent with leave--Senators		
DePasco	Sims--2		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2080, with **SCS**, introduced by Representative Britt, et al, entitled:

An Act to repeal sections 56.363 and 56.807, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits for prosecutors.

Was called from the Consent Calendar and taken up by Senator Foster.

SCS for **HB 2080**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2080

An Act to repeal sections 56.363 and 56.807, RSMo, and to enact in lieu thereof two new sections relating to county prosecutors.

Was taken up.

Senator Childers assumed the Chair.

Senator Foster moved that **SCS** for **HB 2080** be adopted.

At the request of Senator Foster, his motion was withdrawn, which placed **HB 2080**, with **SCS** (pending), back on the Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 69**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HB 2078**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SBs 1279, 1162** and **1164**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Kinder assumed the Chair.

On behalf of Senator Rohrbach, Chairman of the Committee on Insurance and Housing, Senator Kenney submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HS** for **HCS** for **HBs 1502** and **1821**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 1196**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **HB 1489** and **HB 1850**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HB 1962**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1817**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1773**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HCS** for **HBs 1461** and **1470**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1748**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 1150, 1237** and **1327**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 1455**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 652**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 1508**, begs leave to report that it has

considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HCS** for **HBs 1344** and **1944**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1679**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers raised the following point of order:

Mr. President, I raise a Point of Order that the Report of the Senate Financial and Governmental Organization, Veterans' Affairs and Elections Committee to recommend that Senate Committee Substitute for House Bill 1679 "do pass" is out of order, because the bill was not properly voted out "do pass" by the committee.

Mr. President there are four reasons why the committee report is out of order.

- First, on Thursday, April 25, 2002, the committee adopted a Senate Committee Substitute for House Bill 1679. Right after, the committee defeated a motion to "do pass" the bill. The chairman of the committee did not vote on the prevailing side.

On Monday, April 29, 2002, at another hearing of the same committee, a committee member made a motion to reconsider the vote by which Senate Committee Substitute for House Bill 1679 was not voted out "do pass." That reconsideration motion failed on a 3 to 3 vote. The chairman of the committee did not vote on the prevailing side.

On Thursday, May 2, 2002, at another hearing of the same committee, the chairman of the committee made a motion to again reconsider the vote by which Senate Committee Substitute for House Bill 1679 was not voted out "do pass." The chairman reported that, on a 4 to 2 vote, the motion to reconsider passed.

This second motion to reconsider should not have been allowed because Missouri Senate Rule 91 states that "[o]nly one motion to reconsider shall be allowed on any question." The question that was presented to the committee on Thursday, May 2, 2002 for reconsideration was the same question presented to the committee on Monday, April 29, 2002 for reconsideration: a motion to "do pass" Senate Committee Substitute for House Bill 1679.

Missouri Senate Rule 91 applies to committees as well as to practices on the Senate floor pursuant to Missouri Senate Rule 96, which states that "[i]n cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the senate of the United States and Jefferson's Manual... ."

Rule 26 of the standing rules of the U.S. Senate state that "[e]ach committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee." Thus, Missouri Senate committees are bound to the same limitation on reconsideration as is the Missouri Senate, because the Missouri Senate rules make no specific provisions for committee practice except that such practice shall be governed by the practice of the U.S. Senate and Jefferson's Manual.

In addition, Missouri Senate Rule 41 states that "[t]he rules and proceedings of the senate shall be observed in Committee of the Whole insofar as they are applicable." It only makes sense that the standing and statutory committees shall observe the same process and procedures of the Committee of the Whole.

Interestingly, U.S. Senate Rule 13 states that once a reconsideration has been refused, withdrawn, or made and failed, "no further motion to reconsider shall be in order unless by unanimous consent."

- Second, Missouri Senate Rule 91 also states that a reconsideration motion must be made within three legislative days. The second purported vote to reconsider on Thursday, May 2, 2002 was four legislative days after Thursday, April 25, 2002 when the motion to "do pass" Senate Committee Substitute for House Bill 1679 failed. Again, committees are bound to the same practice as on the Senate floor.
- Third, Missouri Senate Rule 91 also states that "[a]ll motions to reconsider shall be decided by a majority vote of the senators elected." The second purported vote to reconsider on Thursday, May 2, 2002 was by a 4 to 2 vote. Pursuant to Missouri Senate Rule 25, there are nine members on the Senate Financial and Governmental Organization, Veterans' Affairs and Elections Committee. Thus, five members are needed to successfully reconsider a question in a nine-member committee, because again committees are bound to the same practice as on the Senate floor.

Stated another way, a vote on the Senate floor to reconsider a question in which, for instance 19 Senators are present, would require 18 of those 19 members to vote in favor of reconsideration because at least 18 votes in favor are needed to obtain a majority vote of the 34 Senators elected.

- Fourth, Missouri Senate Rule 91 also states that "any senator voting on that side which prevails may move for a reconsideration of the vote... ." The second purported motion to reconsider on Thursday, May 2, 2002 was improperly made by the chairman of the committee, because the chairman had not voted on the prevailing side on Thursday, April 25, 2002 when the original motion to "do pass" Senate Committee Substitute for House Bill 1679 failed. Again, committees are bound to the same practice as on the Senate floor.

Mr. President, if my Point of Order is ruled "not well taken", then chaos will result in the various Senate committees. No procedures shall be required in committee, which are comparable to the procedures required on the Senate floor. Procedures relating to quorums, roll calls, duties of the committee secretary to keep records, substitute motions, etc. will be thrown out the window or ignored, and the democratic process will suffer and confidence in the legislative branch will decrease.

Mr. President, I request that my Point of Order and my remarks in support of my point of order be read and printed in the Senate Journal.

President Pro Tem Kinder took the point of order under advisement.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 1898**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 1403**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross assumed the Chair.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SB 1248**, as amended, and

request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Quick moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 1086** and **1126** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SS No. 2** for **SCS** for **SBs 1279, 1162** and **1164** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1120**--Appropriations.

HB 1121--Appropriations.

HCS for **HB 1777**--Pensions and General Laws.

HB 1988--Agriculture, Conservation, Parks and Tourism.

HB 2097--Interstate Cooperation.

HB 2137--Local Government and Economic Development.

MISCELLANEOUS

Senator Gibbons submitted the following:

PROJECT CONSTRUCTION, FINANCING AND

OPERATION AGREEMENT

BY AND AMONG

THE STATE OF MISSOURI

Acting by and through the Office of Administration

and the Department of Economic Development

AND

THE CITY OF ST. LOUIS, MISSOURI

AND

ST. LOUIS COUNTY, MISSOURI

AND

ST. LOUIS CARDINALS, L.P.

DATED: _____, 2002

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PROJECT CONSTRUCTION, FINANCING AND OPERATION AGREEMENT

THIS PROJECT CONSTRUCTION, FINANCING AND OPERATION AGREEMENT (this "Agreement") is made and entered into as of _____, 2002 by and among **THE STATE OF MISSOURI**, acting by and through the Office of Administration and the Department of Economic Development (the "State"), **THE CITY OF ST. LOUIS, MISSOURI** (the "City"), a municipal corporation and political subdivision organized and existing under its charter and the constitution and laws of the State, **ST. LOUIS COUNTY, MISSOURI** (the "County"), a constitutional charter county organized and existing under its charter and the constitution and laws of the State (the State, the City and the County being collectively referred to herein as the "Public Participants"), and the **ST. LOUIS CARDINALS, L.P.**, a limited partnership organized and existing under the laws of the State (the "Cardinals"). (Terms capitalized in this Agreement but not otherwise defined herein have the meanings given to them in Article I.)

WITNESSETH:

WHEREAS, the Cardinals have proposed to build a new downtown ballpark suited for Major League Baseball in the City to serve as the home of the St. Louis Cardinals baseball team and to cause the development and construction of certain mixed use facilities adjacent to the Ballpark;

WHEREAS, the Public Participants have found and determined that the economic benefit of Major League Baseball in general and the Cardinals in particular is of critical economic consequence to the State, the City and the County and that without the assistance provided by the Public Participants described herein there is a real and present danger that, as a result of business, economic and competitive conditions affecting the Cardinals and their current ballpark, the State, the City and the County could lose Major League Baseball and the Cardinals and that such loss would pose irreparable harm to the economy of the State, the City and the County;

WHEREAS, Busch Stadium, the current ballpark where the Cardinals play their Home Games, was constructed in 1966 and despite major renovations is projected to become unsuitable for use by the Cardinals, absent substantial and uneconomic repairs and improvements, and the Parties have determined that the most cost-effective means of replacing Busch Stadium is through the construction of the Ballpark Project;

WHEREAS, funds are needed to plan, construct, equip and improve the Ballpark, and the Cardinals have requested that the Public Participants assist in the funding of the costs of the Ballpark Project;

WHEREAS, the Project will significantly benefit the Public Participants by: (a) increasing state and local tax revenues through the creation of new jobs and the retention of existing jobs, (b) increasing state and local tax revenues through increased sales, (c) increasing state and local tax revenues through increased property tax values, (d) increasing state tax revenues through taxes withheld by employers, (e) enhancing regional tourism and (f) creating an environment to stimulate additional private investment in the area where the Project will be located;

WHEREAS, the Cardinals' obligations under this Agreement relating to the development and construction of Ballpark

Village Phase I and Ballpark Village Phase II are a material condition precedent and inducement to the Public Participants' decisions to participate in funding a portion of the costs of the Ballpark Project;

WHEREAS, on June 19, 2001, the State, the City and the County executed a Memorandum of Understanding for New Cardinals Stadium and Ballpark Village with the Cardinals indicating their intention to provide the assistance described therein to the Cardinals, subject to, among other things, the commitments of the Cardinals described therein, the passage of necessary and appropriate State enabling legislation, the execution of necessary and appropriate agreements further detailing the essential terms and economic elements of the transaction outlined therein and final approval by their respective governing bodies;

WHEREAS, the Public Participants have found and determined that it is desirable and in the best interests of the Public Participants to enter into this Agreement for the purpose of setting forth the terms and conditions on which they will assist in the funding of the costs of the Ballpark, subject to the enactment by the State of necessary and appropriate enabling legislation;

WHEREAS, the Cardinals have determined that it is desirable and in their best interest to enter into this Agreement for the purpose of setting forth the terms and conditions on which they will assist in the funding of the costs of the Ballpark Project, construct the Ballpark and lease and operate the Ballpark;

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein set forth, the State, the City, the County and the Cardinals covenant and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1 Definitions. The following words and terms as used in this Project Agreement shall have the following meanings:

"Acquisition Parcels" means those parcels of land included in the Project Site that are not owned by the Cardinals as of the date of this Agreement, as described in **Exhibit** __.

"Act" means the Sports Center Redevelopment Authority Act attached hereto as **Exhibit** __, or other similar legislation authorizing and enabling this Agreement and the transactions contemplated hereby.

"Admissions Tax Amendment" means the amendment described in Section 13.2 to the entertainment license tax levied and collected by the City pursuant to Chapter 8.08 of the City Code.

"Affiliate" of a specified Person means any corporation, partnership, sole proprietorship or other Person that directly or indirectly through one or more intermediaries controls, is controlled by or is under common control with the Person specified. The term "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a Person.

"Agreement" means this Project, Construction, Financing and Operation Agreement dated as of _____, 2002 among the State, the City, the County and the Cardinals, as from time to time amended and supplemented in accordance with its terms.

"Authority" means the St. Louis Sports Center Redevelopment Authority, a public body corporate and politic and political instrumentality to be created pursuant to the Act, and its successors and assigns.

"Ballpark" means the Ballpark Project Site and the Ballpark Project.

"Ballpark Capital Repairs and Improvements" means: (a) repairs and replacements that have a useful economic life (as intended to be used in the Ballpark) of not less than two years or which extend the life of the repaired or replaced structure, improvement or equipment by not less than two years; (b) repairs and replacements that are reasonably necessary to maintain the structural integrity of the Ballpark and preserve its usefulness for the purposes for which it is being leased; (c) such repairs, replacements, modifications or additions as are required by applicable Law or required by the Cardinals' insurance carrier as a condition to its willingness to provide or continue to provide insurance at commercially reasonable

rates (taking into account the type of facility, use and geographic location of the Ballpark and provided that the Cardinals' insurance carrier regularly insures publicly owned arenas and stadia comparable to the Ballpark), (d) painting of, or application of sealants, waterproofing and protective coatings to, substantial areas of the Ballpark, provided that no such work shall be deemed to be a Capital Repair and Improvement if required to be performed within two years after the prior painting or application of protective coatings to such area; (e) replacement of substantial amounts of carpeting; (f) to the extent necessitated by ordinary wear and tear, replacement of Ballpark seats or seat standards, or the cement into which the seat is affixed; (g) major repairs, replacement or upgrades of components to the field lighting; (h) major repairs of components of the communications system and the scoreboard (including the control room, message board, videoboard, bulbs and circuit breaker panels); (i) major repairs to, or replacement of, cracked or disintegrated concrete, broken pipes or leaking roof or sections thereof; (j) replacement of HVAC compressors or any material part thereof; (k) cleaning of the exterior facade of the Ballpark no more often than once every five years; (l) major repairs to or replacements of mechanical, electrical, HVAC and plumbing systems; (m) resodding of the playing field as a result of disease, blight or widespread introduction of another species of grass (except to the extent that such condition could have been prevented by routine maintenance); and (n) improvements, modifications, alterations or additions to the Ballpark that are required to (i) maintain the Ballpark as a First-class Facility, (ii) comply with applicable Law or (iii) safely operate the Ballpark; provided that in no event shall Ballpark Operating Repairs and Maintenance constitute Ballpark Capital Repairs and Improvements.

"Ballpark Capital Reserve Fund" means the fund by that name to be established pursuant to Section 10.2.

"Ballpark Contractor" means one or more general contractors, construction managers or design-builders engaged to serve in such capacity in connection with the construction of the Ballpark Project.

"Ballpark Operating Budget" means the annual operating budget for the Ballpark to be provided to the Authority pursuant to Section 7.10.

"Ballpark Operating Period" means each 12-month period ending December 31 during the Lease Term, except that the first such period shall commence on the Opening Date and shall end on December 31 of the calendar year that includes the Opening Date.

"Ballpark Operating Repairs and Maintenance" means ordinary and routine repairs, replacements and maintenance that are necessary to enable the Cardinals to operate the Ballpark as a First-class Facility during its economic life; provided that in no event shall Ballpark Capital Repairs and Improvements constitute Ballpark Operating Repairs and Maintenance.

"Ballpark Project" means the planning, design, acquisition, construction and equipping of a new ballpark in the City to serve as the home of the Team, which ballpark shall be suitable for the playing of Major League Baseball, have capacity for approximately 49,000 patrons, feature player and fan amenities consistent with recently developed open-air Major League Baseball facilities and be located on the Ballpark Project Site, all as more fully described or to be described in the Ballpark Project Preliminary Drawings and the Ballpark Project Final Construction Drawings.

"Ballpark Project Bonds" means all bonds, notes or other obligations issued by or on behalf of the Authority or any Public Participant pursuant to the Act for the purpose of financing Ballpark Project Costs or Costs of Issuance, including any refunding or refinancing of any such obligations.

"Ballpark Project Construction Budget" means the construction budget for the Ballpark Project to be delivered to the Public Participants and the Authority pursuant to Section 5.1.

"Ballpark Project Construction Fund" means the fund by that name to be established pursuant to Section 6.4.

"Ballpark Project Costs" means all of the costs of planning, designing, acquiring, constructing and equipping the Ballpark Project including, without limitation, the following: (a) all costs and expenses of every nature for labor, materials, machinery, furnishings and equipment; (b) costs and expenses of architects, engineers, contractors, construction managers, consultants and other professional, supervisory and advisory personnel and Consultants; (c) costs and expenses of or in connection with demolishing Busch Stadium; (d) costs of title insurance, the costs of any other insurance during the construction period of the Ballpark Project and the costs of payment and performance and similar bonds; (e) reasonable legal fees and expenses, including legal fees and expenses of the Public Participants, not to exceed the amounts to be set forth in the Ballpark Project Construction Budget; (f) pre-development costs, such as costs of architects, engineers and construction consultants relating to the planning, design and construction of the Ballpark Project; (g) any costs of or relating to the issuance of any Ballpark

Project Bonds, subject to (iii) below; (h) costs of complying with the Relocation Requirements; (i) all other items of cost or expense which are project costs under the Act; (j) all expenses and costs of the Construction Monitor; and (k) the reimbursement of the Authority and the Parties for any of the foregoing costs and expenses, whether incurred before or after the Effective Date. Notwithstanding the foregoing, Ballpark Project Costs shall not include (i) any costs of the Cardinals relating to the lobbying of the Public Participants; (ii) any costs of acquiring or assembling the Project Site; (iii) any Costs of Issuance, except to the extent such costs are not paid from the proceeds of Ballpark Project Bonds; and (iv) any costs of the Transportation Infrastructure Project.

"Ballpark Project Final Construction Drawings" means the final construction drawings and specifications for the Ballpark Project; that is, such drawings and specifications in their final pre-construction form, and as they may be changed from time to time in accordance with this Agreement.

"Ballpark Project GMP Contract" means a contract for the design or construction of the Ballpark Project on a cost plus fee basis and subject to a guaranteed maximum price.

"Ballpark Project Preliminary Drawings" means the set of conceptual drawings and plans initially delivered to the Public Participants on February 12, 2001 prepared by HOK Planning Group/HOK Sport and entitled "A New Ballpark", as amended and supplemented and delivered to the Public Participants not later than 30 working days prior to the date of this Agreement.

"Ballpark Project Site" means all of the real estate and interests therein comprising the site for the Ballpark Project, as described in **Exhibit** ____.

"Ballpark Village Developer" means any developer of the Ballpark Village Project.

"Ballpark Village Phase I" means those facilities comprising the Ballpark Village Project which are or are to be located on Ballpark Village Phase I Site, as more fully described in Section 5.9.

"Ballpark Village Phase I Costs" means all of the costs of planning, designing, acquiring, constructing and equipping Ballpark Village Phase I, including the fair market value of all or any respective portion of the Ballpark Village Phase I Site, but only at the time of Final Completion of such respective portion in accordance with the Redevelopment Plan and the Redevelopment Contract.

"Ballpark Village Phase I Liquidated Damages" means the schedule of liquidated damages with respect to Ballpark Village Phase I as set forth in **Exhibit** ____.

"Ballpark Village Phase I Site" means all of the real estate and interests therein comprising the site for Ballpark Village Phase I, which shall initially consist of Blocks D, E and F as described in **Exhibit** ____.

"Ballpark Village Phase I Tax Revenues" means all taxes that are imposed by the State, the City and other taxing districts on the Ballpark Village Phase I Site or which are generated by economic activities within the Ballpark Village Phase I Site.

"Ballpark Village Phase II" means those facilities comprising the Ballpark Village Project which are or are to be located on the Ballpark Village Phase II Site, as more fully described in Section 5.10.

"Ballpark Village Phase II Costs" means all of the costs of planning, designing, acquiring, constructing and equipping Ballpark Village Phase II, including the costs or value of the Ballpark Village Phase II Site.

"Ballpark Village Phase II Site" means all of the real estate and interests therein comprising the site for the Ballpark Village Phase II, which shall initially consist of Blocks A, B and C as described in **Exhibit** ____.

"Ballpark Village Project" means facilities comprising the Ballpark Village Project, including Ballpark Village Phase I and Ballpark Village Phase II, as more fully described in **Exhibit** ____.

"Ballpark Village Project Costs" means the Ballpark Village Phase I Costs and the Ballpark Village Phase II Costs.

"Ballpark Village Project Drawings" means the set of conceptual drawings and plans delivered to the Public Participants

on February 12, 2001 prepared by HOK Planning Group/HOK Sport and entitled "Ballpark Village", as amended and supplemented and delivered to the Public Participants not later than 30 working days prior to the date of this Agreement.

"Ballpark Village Site" means the Ballpark Village Phase I Site and the Ballpark Village Phase II Site.

"Block" means any one of Blocks A, B, C, D, E and F included in the Ballpark Village Project.

"Bond Counsel" means an attorney or firm of attorneys selected by the Authority or the applicable Public Participant, following Consultation with the Cardinals, which is nationally recognized in the field of municipal finance.

"Bond Offering Commitment Date" means the date that is 30 days prior to the proposed Closing Date, as agreed to by the Parties and the Authority.

"Bowling Parcel" means the Acquisition Parcel identified as the Bowling Parcel in **Exhibit** ____.

"Busch Stadium Portion" means that portion of the Ballpark Project Site on which the existing Busch Stadium is located, as described in **Exhibit** ____.

"Business Day" means a day other than a Saturday, a Sunday, or other day which is a governmental holiday under the laws of the State or on which commercial banks are authorized or required to close under the laws of the State.

"Cardinals" means the St. Louis Cardinals, L.P., a limited partnership organized and existing under the laws of the State, and its successors and assigns.

"Certificate of Completion" means, with respect to the Ballpark Project, Ballpark Village Phase I, Ballpark Village Phase II, the Transportation Infrastructure Project or other portion, component or block of the Project, a certificate, substantially in the form of **Exhibit** ____, delivered by the Cardinals to the Public Participants and the Authority evidencing the completion of such portion, component or block of the Project.

"Certificate of Substantial Completion" means, with respect to the Ballpark Project, Ballpark Village Phase I, Ballpark Village Phase II, the Transportation Infrastructure Project or any Block or other portion or component of the Project, a certificate, substantially in the form of **Exhibit** ____, delivered by the Cardinals to the Public Participants and the Authority evidencing the substantial completion of such portion or component of the Project.

"Change Order" means a document or documents specifying a change to the Ballpark Project Final Construction Drawings.

"City" means The City of St. Louis, Missouri, a municipal corporation and political subdivision of the State, and its successors and assigns.

"City Ballpark Project Bonds" means the portion of the Ballpark Project Bonds which is payable from the City Financing Amount.

"City Financing Amount" means a fixed annual appropriation per Fiscal Year of the City, commencing not earlier than the Fiscal Year beginning July 1, 2005, in the amount of \$4,200,000, or such lesser amount as shall be sufficient, to provide debt service over 30 years for a debt financing that will provide a net sum of \$60,000,000 for the payment of Ballpark Project Costs; subject to the conditions and limitations that (a) such net sum shall be reduced as may be necessary to ensure that such appropriation will be sufficient to provide such debt service, (b) such net sum shall be net of all Costs of Issuance in connection with such debt financing and (c) none of such net sum shall be used for Ballpark operations, Ballpark Operating Repairs and Maintenance or Ballpark Capital Repairs and Improvements.

"City Naming Rights Fund" means the fund by that name to be created pursuant to Section 8.6 and held by a Fiduciary approved by the City.

"City Naming Rights Fund Amount" means 37.5% of the Naming Rights Revenues.

"Closing Date" means the date on which the issuance of all of the Ballpark Project Bonds and the deposit required by the Cardinals in accordance with Section 6.3(c) occurs.

"Code" means the Internal Revenue Code of 1986, as amended, and the regulations thereunder.

"Community Event" means as described in Section 7.6.

"Construction Monitor" means the Construction Monitor selected by the State and approved by the City, the County and the Cardinals.

"Construction Monitor Agreement" means the Construction Monitor Agreement, dated as of the date hereof, among the Construction Monitor, the Cardinals and the Public Participants.

"Consultant" means a construction manager, project manager, design-builder, architect, contractor, subcontractor, engineer, vendor, supplier, consultant or other professional providing services with respect to the Project.

"Consultation" or **"Consult"** means, with respect to any matter, that the consulting party shall keep the other party or parties reasonably informed regarding such matter on an ongoing basis and provide the other party or parties with the opportunity to provide comments or suggestions on the matter, but the other party shall not have the right to approve or disapprove of such matter.

"Costs of Issuance" means, with respect to any issue or series of Ballpark Project Bonds, all costs of issuing such Bonds including, without limitation, an amount sufficient to pay interest on such Bonds during the construction period of the Ballpark Project to the extent permitted under the Code for tax-exempt bonds, debt service reserves and any other reserves in connection with such Bonds, costs of credit enhancement, underwriters' spread or discount, counsel fees (including Bond Counsel and counsel to the Authority and the Parties), financial advisor fees, rating agency fees, trustee, escrow and paying agent fees, accounting fees, printing costs, fees and expenses of the Authority and any other costs in connection with such financing.

"County" means St. Louis County, Missouri, a county and political subdivision of the State, and its successors and assigns.

"County Ballpark Project Bonds" means the portion of the Ballpark Project Bonds which is payable from the County Financing Amount.

"County Financing Amount" means a fixed annual appropriation, for a period of 30 years commencing in calendar year 2003, in the amount of \$2,000,000 increasing annually by 3% on a compound basis, from tax revenues deposited in the County Convention and Recreation Trust Fund established pursuant to Section 67.657, RSMo., after making all required rental payments and other payments of fees and charges owed by the County pursuant to the existing terms (as of the Effective Date) of any lease, sub-lease or financing of any kind relating to the sports facilities owned by the Regional Convention and Sports Complex Authority in the City and now referred to as the "Edward Jones Dome."

"Default Rate" means the lesser of (a) 4% above the "Prime Rate" as published from time to time in The Wall Street Journal under the caption "Money Rates" (or, if no longer so published, any substantially similar published rate) or (b) the greatest amount permitted by applicable Law.

"Economic Activity Taxes" means the total additional revenue received by the City on or after January 1, 2002, from taxes which are imposed by the City and other taxing districts and which are generated by economic activities within the Project Site, over the amount of such taxes generated by economic activities within the Project Site in calendar year 1999, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels and sales taxes imposed by Section 162.1100.5, RSMo. Economic Activity Taxes shall take into account any payments in lieu of taxes made or received with respect to any of the foregoing taxes.

"Effective Date" means the date of this Agreement.

"Estimated Ballpark Project Costs" means the total estimated Ballpark Project Costs as set forth in the Ballpark Project Construction Budget delivered prior to the Bond Offering Commitment Date and as amended or supplemented from time to time in accordance with this Agreement.

"Event of Default" means any Event of Default as described in Section 12.1 or 12.4.

"Event of Non-Appropriation" has the meaning given to such term in Section 6.8.

"Extraordinary Capital Costs" means the costs and expenses of repairs of or replacements to the Ballpark or any component thereof that are the result of (i) catastrophic acts of God, (ii) terrorism or insurgence or (iii) other extraordinary events which would not commonly or normally be expected to arise during the useful life of the Ballpark or a similar facility but are reasonably necessary to protect the health or safety of persons or property or to enable the Cardinals to operate and maintain the Ballpark as a First-class Facility; provided, however, such costs and expenses shall not constitute an Extraordinary Capital Cost to the extent that such costs and expenses are (a) caused by or the result of the failure by the Cardinals to maintain the Ballpark and make and perform all necessary Ballpark Capital Repairs and Improvements in accordance with Article X of this Agreement, (b) paid from Net Proceeds of insurance or (c) the result of an expansion of the Ballpark.

"Fiduciary" means a bank, trust company or other entity having trust powers in the State.

"Final Completion" means, with respect to the Ballpark Project, Ballpark Village Phase I, Ballpark Village Phase II, the Transportation Infrastructure Project or any other portion or component of the Project, (a) that all of such portion or component of the Project has been completed in accordance with the applicable plans, as evidenced by a Certificate of Completion accepted by the Authority pursuant to Section 5.12 hereof; and (b) final certificates of occupancy have been issued for all portions of such component of the Project for which certificates of occupancy are required.

"Financial Instrument" means (except as otherwise specifically provided in Section 6.3(c)) an irrevocable letter of credit providing the beneficiary thereof the unconditional right to draw the stated amount thereof issued by a bank whose long-term indebtedness is rated A or better by at least two nationally recognized rating agencies and expressly provides that that such amount will be available when required; provided that the Public Participants shall have the right to disapprove of any Financial Instrument if they shall reasonably determine that, as a result of the form or substance thereof, there is inadequate assurance that the necessary amount or amounts will be available when required under this Agreement.

"First-class Facility" means a state-of-the-art Major League Baseball park wherein the level and quality of: (a) the baseball facilities, including the playing field and amenities, are consistent with the level and quality of other Major League Baseball parks built within five years prior to the Closing Date (one year prior to the Closing Date in the case of public safety and security components) for the purpose of hosting Major League Baseball Games and (b) interior and exterior Ballpark finishes are comparable to the level and quality of interior and exterior finishes in Major League Baseball parks built within five years prior to Closing Date for the purpose of hosting Major League Baseball Games.

"Fiscal Year" means (a) with respect to the State and the City, each twelve-month period beginning on July 1 and ending on June 30 and (b) with respect to the County, each twelve-month period beginning on January 1 and ending on December 31, in each case as such Fiscal Year may be changed from time to time in accordance with applicable Law.

"Force Majeure" means any act of God, accident, fire or other casualty, earthquake, flood, war, riot, intervention by civil or military authorities of government, insurrection or other civil commotion, terrorist act, material shortage, strike, boycott or labor dispute (but excluding any strike, boycott, labor stoppage or lockout or other labor dispute with or involving baseball players), court or judicial order, land acquisition delay, environmental requirement, archeological issue or delay in connection with any Interstate 64/Highway 40 ramp, or any other event or occurrence beyond the reasonable control of a Party hereto, that could not have been avoided by exercising due care and that causes a Party to be delayed or prevented from the performance of any covenant or obligation hereunder. Any Party making a claim of Force Majeure shall notify the other Parties within 30 days of any event of which they are aware that is expected to result in a claim of Force Majeure.

"Full Insurable Value" means the actual replacement cost of the Ballpark Project, less physical depreciation and exclusive of land, excavations, footings, foundations and parking lots, provided that, to the extent obtainable, in no event shall such value be less than the aggregate principal amount of the Ballpark Project Bonds at the time outstanding.

"Good Cause" means that a person cannot reasonably conclude that the person or firm has the capability, experience, technical competence, financial capacity or reliability necessary to perform the services required.

"Governmental Authority" means any government of any nation, state or political subdivision thereof and any entity exercising executive, legislative, judicial, regulatory or administrative functions of or pertaining to government.

"Hazardous Materials" means (a) "hazardous substances" or "toxic substances" as those terms are defined by the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq., or by the Hazardous

Materials Transportation Act, 49 U.S.C. § 1802 et seq., all as now and hereafter amended; (b) "hazardous wastes", as that term is defined by the Resource Conservation and Recovery Act, 42 U.S.C. § 6902 et seq., as now and hereafter amended; (c) any pollutant or contaminant or hazardous, dangerous or toxic chemicals, materials or substances within the meaning of any other applicable federal, state or local law, regulation, ordinance or requirement (including consent decrees and administrative orders) relating to or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste substances or materials, all as now and hereafter amended; (d) crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); (e) gasoline and any additive thereof, including, but not limited to Methyl Tert Butyl Ether ("MTBE"), (f) any radioactive material, including any source, special nuclear or by-product material as defined at 42 U.S.C. § 2011 et seq., as now and hereafter amended; (g) asbestos in any form or condition; and (h) polychlorinated biphenyls ("PCBs") or substances or compounds containing PCBs.

"Home Game" means any Major League Baseball Game played after the Opening Date in which the Team acts as host team for its opponent (that is, the Team takes the field in the first half of each inning and bats in the last half of each inning of such Game); provided that such term shall not include (a) a maximum of three such Games per year played at a location other than the Ballpark if such game is scheduled or rescheduled by Major League Baseball at such other location, (b) any post-season game scheduled by Major League Baseball to be played at a neutral site and (c) any such Game played at a different location during an Untenantable Period.

"Indenture" means, with respect to any issue or series of Ballpark Project Bonds, the indenture or other legal document setting forth the terms and provisions of such Bonds, including the rights of the holders of Bonds and the obligations of the issuer thereof.

"Law" means any law, statute, ordinance, rule, regulation, order, appropriation, decree or other requirement having the force of law and, where applicable, any interpretation thereof by any Governmental Authority having jurisdiction with respect thereto or charged with the administration thereof.

"Lease" means the Lease by and between the Authority and the Cardinals relating to the Ballpark having the terms and conditions required by this Agreement and such other usual and customary terms and conditions governing sports facility leases as the Parties may approve.

"Lease Term" means the period during which the Lease is effective, as described in Section 7.4.

"Lien" means any deed of trust, mortgage, pledge, charge, hypothecation, assignment, deposit arrangement, lien (statutory or otherwise), security interest, preferential arrangement of any kind whatsoever, restriction, covenant, reservation, right, easement, lease, other title or interest retention arrangement, and any other encumbrance of any nature whatsoever.

"Major Change" means any Material Change in the Ballpark Project Preliminary Drawings or the Ballpark Project Final Construction Drawings, as the case may be, (a) to the seating capacity, the seating bowl or the overall appearance of the exterior or the structure of the Ballpark from that expressed in the Ballpark Project Final Construction Drawings, (b) that would adversely affect the health, safety or security of the occupants of the Ballpark or (c) that would result in a material increase in the Estimated Ballpark Project Costs.

"Major League Baseball" means the league of professional baseball clubs constituting Major League Baseball, as now or hereafter constituted or organized, and any other league of professional baseball clubs which may be constituted from time to time and recognized as a major league authorized to play professional baseball games under the Major League Baseball Rules and Regulations.

"Major League Baseball Game" means (a) any regular season or post-season Major League Baseball game to be played in accordance with the schedule established by Major League Baseball and (b) any All-Star Game which the Team has requested, through application or otherwise, be played within the boundaries of the City.

"Major League Baseball Rules and Regulations" means, collectively, the Major League Agreement, the Major League Constitution, the Major League Rules and any other rules, guidelines, bulletins, directives, regulations or requirements of the Office of the Commissioner of Major League Baseball or any Person appointed by any of the foregoing that are generally applicable to Major League Baseball clubs, all as the same now exist or may hereafter be amended or adopted.

"Major League Baseball Season" means each period commencing on the day of the Team's first Home Game in any calendar year and ending on the day of the Team's last Home Game (including post-season games, if any) in such calendar year.

"Material Change" means any a change resulting in a cost increase or decrease of \$5,000,000.

"Naming Rights" means the right to name the Ballpark, and shall not include any marketing, advertising, merchandising, tickets or other rights, or the right to name any specific portion or area of the Ballpark; provided that Naming Rights shall include a non-exclusive license of the image of the Ballpark (subject to any rights of Major League Baseball with respect thereto) and the right to display appropriate name signage on the exterior of the Ballpark and directional signage on the exterior and interior of the Ballpark, all of which signage and uses shall be subject to the reasonable approval of the Cardinals and the Public Participants.

"Naming Rights Revenues" means all amounts and the value of any other property, rights or interests received as a result of the sale, transfer, assignment or other negotiation of the Naming Rights, net of all costs of implementation (such as signage, materials and artwork and other similar costs).

"Net Proceeds" means, when used with regard to any insurance award with respect to the Ballpark Project, the gross proceeds from the insurance award less the payment of all expenses (including attorneys' fees) incurred in the collection of such gross proceeds.

"New State Revenues" means: (a) the increase (beginning January 1, 2002) in the general revenue portion of State sales tax revenues received pursuant to Section 144.020 RSMo from the Project Site, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district tax fund in accordance with Section 144.701 RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law for specific, non-general uses, over the amount of such taxes generated within the Project Site in calendar year 1999; and (b) the increase (beginning January 1, 2002) in state income tax withheld on behalf of employees by the employer pursuant to Section 143.221 RSMo, derived from sources within the Project Site over the amount of such taxes derived from sources within the Project Site in calendar year 1999. New State Revenues shall take into account any payments in lieu of taxes made or received by the State with respect to any of the foregoing taxes.

"Opening Date" means the first Major League Baseball Game to be played at or in any portion of the Ballpark.

"Parties" means, with respect to this Agreement, the State, the City, the County and the Cardinals.

"Party" means the State, the City, the County or the Cardinals, as applicable.

"Permitted Encumbrances" means the liens, encumbrances and exceptions set forth in **Exhibit __**.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof.

"PILOTS" means those payments in lieu of taxes payable under Section 8.7.

"Project" means the Ballpark Project, Ballpark Village Phase I, Ballpark Village Phase II and the Transportation Infrastructure Project.

"Project Site" means the Ballpark Project Site, the Ballpark Village Phase I Site, the Ballpark Village Phase II Site and the Transportation Infrastructure Project Site.

"Projected Economic Activity Taxes" means the projected Economic Activity Taxes set forth on Exhibit __ hereto.

"Projected New State Revenues" means the projected New State Revenues set forth on Exhibit __ hereto.

"Public Participants" means, collectively, the State, the City and the County.

"Public Participants' Financing Amounts" means, collectively, the State Financing Amount, the City Financing Amount and the County Financing Amount.

"Redevelopment Contract" means a contract to be entered into by and between the Authority and/or any Public Participant and the Cardinals and/or a Ballpark Village Developer for the redevelopment, rehabilitation or renewal of any portion of the Project and Project Site in conformity with the Redevelopment Plan and in accordance with the Act.

"Redevelopment Plan" means the sports center redevelopment plan with respect to the Project Site to be approved in accordance with the Act.

"Related Agreements" means the Redevelopment Plan, the Redevelopment Contracts, the Indentures and all agreements, documents and instruments executed and delivered or contemplated by this Agreement to be executed and delivered by one or more of the Parties in connection with the transactions contemplated by this Agreement.

"Relocation Requirements" means the Relocation Policy of the City adopted December 20, 1991 by Ordinance No. 62481, a copy of which is attached hereto as **Exhibit** __, and any other relocation requirements under applicable law including any applicable requirements of Sections 523.200 and 523.205, RSMo, as amended.

"Rent" means the rent to be payable by the Cardinals under the Lease, as more fully described in Section 7.5.

"State" means the State of Missouri, and its successors and assigns.

"State Ballpark Project Bonds" means the portion of the Ballpark Project Bonds issued or caused to be issued by or on behalf of the State in accordance with Section 6.13.

"State Financing Amount" means a fixed annual appropriation per Fiscal Year of the State, commencing not earlier than the Fiscal Year of the State beginning on July 1, 2005, in the amount of \$7,000,000, or such lesser amount as shall be sufficient, to provide debt service over 30 years for a debt financing that will provide a net sum of \$100,000,000 for the payment of Ballpark Project Costs; subject to the following conditions and limitations: (a) such net sum shall be reduced as may be necessary to ensure that such appropriation will be sufficient to provide such debt service; (b) such net sum shall be net of all Costs of Issuance in connection with such debt financing; (c) none of such net sum shall be used for Ballpark operations, Ballpark Operating Repairs and Maintenance or Ballpark Capital Repairs and Improvements; and (d) in no year shall the total amount appropriated by the State for any reason under this Agreement and any Related Agreements exceed \$7,000,000.

"State Naming Rights Fund" means the fund by that name to be created pursuant to Section 8.6 and held by a Fiduciary approved by the State.

"State Naming Rights Fund Amount" means 62.5% of the Naming Rights Revenues.

"Substantial Completion" means, with respect to the Ballpark Project, Ballpark Village Phase I, Ballpark Village Phase II, the Transportation Infrastructure Project or any other portion or component of the Project, (a) that all of such portion or component of the Project has been completed in accordance with the applicable plans, as evidenced by a Certificate of Substantial Completion, and (b) temporary certificates of occupancy have been issued for all portions of such component of the Project for which certificates of occupancy are required.

"Team" means the Major League Baseball franchise owned by the Cardinals and known as the "St. Louis Cardinals".

"Term" means the Term of this Agreement as specified in Section 13.1.

"Transportation Infrastructure Project" means the portion of the public infrastructure improvements to be constructed in connection with the Project specified in **Exhibit** __.

"Transportation Infrastructure Project Costs" means all of the costs of planning, designing, acquiring, constructing and equipping the Transportation Infrastructure Project and of acquiring and assembling the Transportation Infrastructure Project Site, including all costs related or incidental thereto.

"Transportation Infrastructure Project Site" means all of the real estate and interests therein comprising the site for the Transportation Infrastructure Project, as described in **Exhibit** __.

"Trustee" mean, with respect to any issue or series of Ballpark Project Bonds, the trustee under the related Indenture.

"Untenantable Period" means any period following damage to or destruction of the Ballpark, or following the occurrence of a Force Majeure event or circumstance, during which the Ballpark cannot reasonably be used to play a Major League Baseball Game.

Section 1.2 Rules of Construction.

(a) Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons. The term "including" shall not be interpreted to exclude any items not specifically enumerated. All references in this Agreement to designated "Articles", "Sections" and other subdivisions are to the designated Articles, Sections and other subdivisions of this Agreement as originally executed. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Agreement as a whole and not to any particular Article, Section or other subdivision unless the context indicates otherwise.

(b) The table of contents and the headings and captions in this Agreement are not a part of this Agreement.

(c) Accounting terms used in this Agreement and not otherwise defined herein have the meaning given to them by generally accepted accounting principles.

(d) The Exhibits and Addenda to this Agreement are included in and are a part of this Agreement.

(e) References herein to any particular section of the Code, the Act, any other legislation or federal or State regulations shall be deemed to refer also to any successor section thereto or to redesignations thereof for codification purposes, unless otherwise specifically provided herein.

ARTICLE II

REPRESENTATIONS AND CONDITIONS TO EXECUTION

Section 2. 1 Representations by the Public Participants.

(a) *Representations by the State.* The State represents to the City, the County and the Cardinals that:

(i) Each State signatory is a department of the State, duly created and existing under the laws of the State.

(ii) Each State signatory has lawful power and authority to enter into, execute, and deliver this Agreement on behalf of the State, and has been duly authorized to execute, deliver and perform this Agreement, acting by and through its duly authorized officers; and this Agreement is the legal, valid and binding obligation of the State enforceable in accordance with its terms.

(iii) The execution and delivery of this Agreement by the Office of Administration and the Department of Economic Development on behalf of the State will not result in a breach of any of the terms of, or constitute a default under, any indenture, mortgage, deed of trust, lease or other agreement or instrument to which the State is a party or by which it or any of its property is bound, or the constitution or laws of the State, or any of the constitutional or statutory rules or regulations applicable to the State or its property.

(iv) The economic benefit of Major League Baseball in general and the Team in particular is of critical economic consequence to the State, the City and the County and without the assistance provided by the Public Participants described herein there is a real and present danger that the State, the City and the County could lose Major League Baseball and the Team and such loss would pose irreparable harm to the economies of the State, the City and the County.

(b) *Representations by the City.* The City represents to the State, the County and the Cardinals that:

(i) The City is a municipal corporation and political subdivision of the State duly organized and existing under its charter and the constitution and laws of the State.

(ii) The City has lawful power and authority to enter into, execute and deliver this Agreement and to carry out its obligations hereunder and by all necessary action of its Board of Aldermen has been duly authorized to execute, deliver and perform this Agreement, acting by and through its duly authorized officers; and this Agreement is the legal, valid and binding obligation of the City enforceable in accordance with its term.

(iii) The execution and delivery of this Agreement by the City will not conflict with or result in a breach of any of the terms of, or constitute a default under, any indenture, mortgage, deed of trust, lease or other agreement or instrument to which the City is a party or by which it or any of its property is bound, or the constitution or laws of the State, or any of the constitutional or statutory rules or regulations applicable to the City or its property.

(iv) The economic benefit of Major League Baseball in general and the Team in particular is of critical economic consequence to the City and without the assistance provided by the Public Participants described herein there is a real and present danger that the State, the City and the County could lose Major League Baseball and the Team and such loss would pose irreparable harm to the economies of the State, the City and the County.

(c) *Representations by the County.* The County represents to the State, the City and the Cardinals that:

(i) The County is a political subdivision of the State organized and existing under its charter and the constitution and laws of the State.

(ii) The County has lawful power and authority to enter into, execute and deliver this Agreement and to carry out its obligations hereunder and by all necessary action of its County Council has been duly authorized to execute, deliver and perform this Agreement, acting by and through its duly authorized officers; and this Agreement is the legal, valid and binding obligation of the County enforceable in accordance with its term.

(iii) The execution and delivery of this Agreement by the County will not conflict with or result in a breach of any of the terms of, or constitute a default under, any indenture, mortgage, deed of trust, lease or other agreement or instrument to which the County is a party or by which it or any of its property is bound, or the constitution or laws of the State, or any of the constitutional or statutory rules or regulations applicable to the County or its property.

(iv) The economic benefit of Major League Baseball in general and the Team in particular is of critical economic consequence to the County and without the assistance provided by the Public Participants described herein there is a real and present danger that the State, the City and the County could lose Major League Baseball and the Team and such loss would pose irreparable harm to the economies of the State, the City and the County.

Section 2.2 Representations by the Cardinals. The Cardinals represent to the Public Participants that:

(a) The Cardinals are a limited partnership duly organized, validly existing and in good standing under the laws of the State, with all power to enter into this Agreement and to perform their obligations hereunder.

(b) This Agreement has been duly authorized, executed and delivered by the Cardinals and is the legal, valid and binding obligation of the Cardinals enforceable in accordance with its terms.

(c) No consent, approval, authorization, order, registration or qualification by or with any Governmental Authority (other than those already obtained) is required in connection with the execution and delivery of this Agreement by the Cardinals.

(d) All consents to this Agreement which the Cardinals are obligated to obtain due to Major League Baseball Rules and Regulations or any other contract or agreement have been duly obtained.

(e) The execution, delivery and performance of this Agreement by the Cardinals will not conflict with or violate any existing or, to the best of the Cardinals' knowledge, any proposed Major League Baseball Rules and Regulations.

(f) The execution and delivery of this Agreement by the Cardinals will not conflict with or result in a breach of any of the terms of, or constitute a default under, any indenture, mortgage, deed of trust, lease or other agreement or instrument to which the Cardinals are a party or by which they or any of their property are bound, or the constitution or laws of the State.

(g) The Cardinals or an Affiliate of the Cardinals presently own all of the real property comprising the Project Site except for

the Acquisition Parcels.

(h) The Cardinals own the Team.

(i) Without the assistance provided by the Public Participants described herein there is a real and present danger that, as a result of business, economic and competitive conditions affecting the Cardinals and their current ballpark, the State, the City and the County could lose Major League Baseball and the Team.

(j) Busch Stadium, the facility at which the Team presently plays its Home Games, was constructed in 1966 and despite major renovations is projected to become unsuitable for use by the Team absent substantial and expensive improvement and rehabilitation which the Cardinals have determined would not be cost-effective and would not be sufficient to maintain the competitiveness of the Team. The Cardinals, in consultation with the Public Participants, have determined that the most cost-effective means of replacing Busch Stadium is through the financing and construction of the Ballpark as provided herein.

(k) The amounts of (i) Projected Economic Activity Taxes set forth on **Exhibit __** hereto are the Cardinals' estimate of the Economic Activity Taxes that the City and other taxing districts would receive from the Ballpark Project, Ballpark Village Phase I and Ballpark Village Phase II and (ii) Projected New State Revenues set forth on **Exhibit __** hereto are the Cardinals' estimate of the New State Revenues the State would receive from the Ballpark Project, Ballpark Village Phase I and Ballpark Village Phase II; in each case based (x) upon available facts and information at the time such information was prepared, (y) upon various assumptions believed to be reasonable (including, without limitation, the assumption that the Project is completed as contemplated by such estimates) and (z) upon certain future events which are beyond the control of the Cardinals and cannot be predicted with certainty; provided that the Cardinals make no representation that the Project will generate the Projected Economic Activity Taxes or the Projected New State Revenues.

Section 2.3 Conditions to Execution of Agreement.

The execution of this Agreement by the Parties shall be subject to the following conditions:

- (a) The receipt by each of the Parties of a completed copy of this Agreement in form and substance acceptable to them without any blanks and having attached thereto all Exhibits.
- (b) The General Assembly shall have passed the Act and the Act shall have become law.
- (c) The Admissions Tax Amendment shall have been passed by the Board of Aldermen of the City and shall have become law.
- (d) The Public Participants shall have approved the estimated Ballpark Project Costs as set forth in the Ballpark Project Construction Budget.
- (e) The Public Participants shall have been provided with a schedule setting forth the then-estimated dates of commencement and completion for the principal obligations of each of the Parties under this Agreement.

ARTICLE III THE PROJECT

Section 3.1 Project Scope. The Project shall be comprised of the following components: (a) the Ballpark Project; (b) Ballpark Village Phase I; (c) Ballpark Village Phase II; and (d) the Transportation Infrastructure Project.

Section 3.2 Ballpark Project Schedule. Subject to Force Majeure and the provisions of this Agreement:

- (a) The Cardinals shall cause the Ballpark Project to be sufficiently completed to permit the Team to open and play all Home Games of the 2005 Major League Baseball Season in the Ballpark.
- (b) The Cardinals shall cause Substantial Completion of the Ballpark Project to occur on or before April 1, 2006.
- (c) The Cardinals shall cause Final Completion of the Ballpark Project to occur on or before 360 days after the Substantial Completion of the Ballpark Project.

(d) The development and construction of the Ballpark shall be undertaken pursuant to this Agreement and the Redevelopment Plan and the Redevelopment Contract approved by the Public Participants, the Authority and the Cardinals consistent with the terms of this Agreement. The Redevelopment Plan and Redevelopment Contract shall provide for further detail regarding the construction, timing and phasing of the development of the Ballpark and shall contain such further terms and provisions not inconsistent with the terms hereof as the Parties may deem necessary and appropriate. The Redevelopment Plan shall also contain an analysis of the factors which qualify the Project Site as a blighted area or conservation area under the Act.

Section 3.3 Ballpark Village Phase I Schedule. Subject to Force Majeure, any delay in the completion of the Ballpark Project permitted by the terms of this Agreement (which delay shall cause a commensurate delay in the times set forth in this Section) and the provisions of this Agreement:

(a) The Cardinals shall cause the development of Ballpark Village Phase I to be commenced on or before April 1, 2006.

(b) The Cardinals shall cause Substantial Completion of Ballpark Village Phase I to occur on or before April 1, 2011.

(c) The Cardinals shall cause Final Completion of Ballpark Village Phase I to be completed on or before 180 days after Substantial Completion of Ballpark Village Phase I.

(d) The development and construction of Ballpark Village Phase I shall be undertaken pursuant to this Agreement and the Redevelopment Plan and the Redevelopment Contract approved by the Public Participants, the Authority and the Cardinals consistent with the terms of this Agreement. The Redevelopment Plan and Redevelopment Contract shall provide for further customary detail regarding the timing and phasing of the development of Ballpark Village Phase I and shall contain such other usual and customary terms and provisions governing development agreements as are not inconsistent with the terms of this Agreement.

Section 3.4 Ballpark Village Phase II Schedule. Subject to Force Majeure, any delay in the completion of the Ballpark Project permitted by the terms of this Agreement (which delay shall cause a commensurate delay in the times set forth in this Section), and the provisions of this Agreement:

(a) The Cardinals shall use their best efforts to cause the development of Ballpark Village Phase II to be commenced as follows: one Block on or before April 1, 2009; two Blocks on or before April 1, 2010; and three Blocks on or before April 1, 2011.

(b) The Cardinals shall use their best efforts to cause Substantial Completion of Ballpark Village Phase II to occur on or before April 1, 2014.

(c) The Cardinals shall use their best efforts to cause Final Completion of Ballpark Village Phase II to be completed on or before 180 days after the Substantial Completion of Ballpark Village Phase II.

(d) The development and construction of Ballpark Village Phase II shall be undertaken pursuant to this Agreement and the Redevelopment Plan and the Redevelopment Contract approved by the Public Participants, the Authority and the Cardinals consistent with the terms of this Agreement. The Redevelopment Plan and Redevelopment Contract shall provide for further customary detail regarding the timing and phasing of the development of Ballpark Village Phase II and shall contain such usual and customary terms and provisions governing development agreements as are not inconsistent with the terms of this Agreement.

Section 3.5 Transportation Infrastructure Project Schedule Subject to Force Majeure and the availability of adequate funding for the payment of Transportation Infrastructure Project Costs in addition to the funding to be provided by the Cardinals pursuant to Section 6.11, and to the provisions of this Agreement, the Cardinals shall cause Final Completion of the Transportation Infrastructure Project in a timely manner consistent with the completion schedules for the other components of the Project; provided that the Cardinals shall be permitted to delay completion of any relocation or reconstruction of the east bound access ramp to Highway 40/Interstate 64 as shall be caused by the Missouri Department of Transportation and other jurisdictions whose consent to such relocation or reconstruction is required.

Section 3.6 Defaults and Remedies Regarding Ballpark Village Project Schedules.

(a) Notwithstanding any other provision of this Agreement, if the Cardinals fail to comply with Section 3.3 or Section

5.9 hereof the Cardinals shall make the payments specified in (c) below, and the Authority and the Public Participants shall not be entitled to any other relief, compensation or penalties as a consequence of such failure and such failure shall not be a violation or a default or Event of Default under this Agreement. The Public Participants and the Authority hereby waive any other remedy which may be available at law or in equity, under this Agreement or otherwise.

(b) Notwithstanding any other provision of this Agreement, if the Cardinals fail to comply with Section 3.4 or Section 5.10 hereof the Cardinals shall transfer the property specified in (d) below, and the Authority and the Public Participants shall not be entitled to any other relief, compensation or penalties as a consequence of such failure and such failure shall not be a violation or a default or Event of Default under this Agreement. The Public Participants and the Authority hereby waive any other remedy which may be available at law or in equity, under this Agreement or otherwise.

(c) If the Cardinals shall fail to meet the benchmarks and milestones regarding construction of Ballpark Village Phase I as agreed upon in the Redevelopment Contract or cause the Final Completion of Ballpark Village Phase I in accordance with Section 3.3(c), the Cardinals shall pay to the State and the City, in the aggregate, on or before March 31 of each year, commencing March 31, 2010, an amount equal to the Ballpark Village Phase I Liquidated Damages for such prior year reduced by (that is, there shall be subtracted therefrom) the amount determined by multiplying such Liquidated Damages amount by a fraction the numerator of which is the amount which has been expended by the Cardinals for Ballpark Village Phase I Costs as of the end of such prior calendar year (as evidenced in accordance with Section 5.10(b)) and the denominator of which is \$100,000,000; provided that, subject to the limitation contained in the last sentence of this subsection (c), the Liquidated Damages amount as so reduced for any prior calendar year shall be further reduced by (that is, there shall be subtracted therefrom) the amount of the Ballpark Village Phase I Tax Revenues for such prior calendar year. Notwithstanding the foregoing or any other provision of this Agreement, no such amount shall be required to be paid under this subsection (c) for any calendar year or portion thereof (on a pro rata basis) following the Final Completion of Ballpark Village Phase I. In the case of Ballpark Village Phase I Liquidated Damages payable to the City pursuant to this subsection (c), the Collector of Revenue for the City of St. Louis shall allocate all revenues received from such payments among all taxing districts (excluding the State) on the same pro-rata basis as such taxing districts received taxes from Ballpark Village Phase I in that calendar year. Notwithstanding the foregoing, in no event shall the Cardinals be entitled to deduct the Ballpark Village Phase I Tax Revenues from such Liquidated Damages amount if or to the extent that Bond Counsel determines at the time of issuance of the State Ballpark Project Bonds, or at any time thereafter, that such deduction would adversely impact the exclusion of the interest on any series of State Ballpark Project Bonds from gross income for federal income tax purposes. The State and the City shall cause Bond Counsel to advise the Cardinals of Bond Counsel's initial determination as to such impact as of the date of this Agreement.

(d) In the event or events that the development of a Block of Ballpark Village Phase II is not commenced by the time set forth in Section 3.4(a) and Section 5.11(c), the Cardinals shall promptly thereafter convey or cause the conveyance to the Public Participants or their designees of good and marketable fee simple title to one Block (as selected by the Cardinals) of the Ballpark Village Phase II Site, subject only to Permitted Encumbrances. Notwithstanding the foregoing, the Cardinals shall not be required so to convey the Bowling Parcel unless such Parcel is then owned by the Cardinals. Any subsequent development of any Block of Ballpark Village Phase II by the Public Participants or their designees shall be in accordance with the Redevelopment Plan and the Redevelopment Contracts.

(e) On the Closing Date, the Cardinals shall cause to be recorded with the Recorder of Deeds of the City a covenant running with the land (the "Commencement Covenant") with respect to the Ballpark Village Phase II Site, in a form and substance approved by the Public Participants, which approval shall not be unreasonably withheld. The Commencement Covenant shall reflect the obligation of the Cardinals to transfer the respective Blocks of the Ballpark Village Phase II Site and all rights of the Cardinals under the Related Agreements which pertain to the respective portion of the Ballpark Village Phase II Site in the event or events that the development of such Blocks is not commenced in accordance with Section 3.4(a) and Section 5.11(c). All financing encumbrances of the Cardinals shall be subordinated to the Commencement Covenant.

ARTICLE IV

ACQUISITION AND OWNERSHIP OF THE PROJECT SITE

Section 4.1 Acquisition of Project Site. The Cardinals shall acquire and assemble the Project Site, including all reversionary rights, whether by purchase or donation, provided that (a) the City or the Authority shall, if necessary, acquire the Acquisition Parcels for the Cardinals by eminent domain as provided in this Article, (b) the Cardinals shall not be required to acquire the Bowling Parcel unless the Cardinals determine that such acquisition is economically feasible and (c) the Cardinals' obligation to acquire and assemble the Transportation Infrastructure Project Site shall be subject to the provisions of Section 6.11. The Cardinals shall obtain all necessary title commitments, inspections, tests, surveys and reports and select, hire and retain all necessary experts, professionals and other Consultants and staff necessary to acquire and assemble the Project Site.

Section 4.2 Negotiated Purchase of Acquisition Parcels. The Public Participants and the Authority shall cooperate with the Cardinals in making reasonable efforts to acquire the Acquisition Parcels by negotiation, and shall use their best efforts to convey or lease, or to cause any related entity to convey or lease, to the Cardinals on reasonable terms any Acquisition Parcels owned by them, but excluding any obligation to expend funds, or in any way to underwrite costs associated with the Acquisition Parcels. The Cardinals shall not be required to take title to any single parcel until such parcel is necessary to construct a particular component of the Project. The Cardinals shall consult with the Public Participants and the Authority during this period and shall notify the Public Participants and the Authority in writing as to the proposed terms of any purchase agreement prior to the execution of such agreement. Any purchase agreements with respect to an Acquisition Parcel shall provide for entry by the Cardinals upon the parcel at reasonable times and with prior written notice to the parcel's owner of record during the term of the purchase agreement for the purpose of conducting a final survey, environmental review, soils test and any other investigations or tests deemed necessary by the Cardinals.

Section 4.3 Condemnation of Acquisition Parcels. The Cardinals may notify the Public Participants and the Authority in writing that they desire the City or the Authority to initiate, and the Authority shall thereupon initiate, eminent domain proceedings to acquire all or any portion of the Acquisition Parcels, or interests in the Acquisition Parcels (including easements, rights of way, licenses and leasehold estates), not subject to purchase agreements in accordance with Section 4.2. Condemnation shall be undertaken in the name of and by the Authority, and the Authority shall diligently prosecute all such proceedings for and to acquire the Acquisition Parcels by eminent domain. The Authority shall select legal counsel (subject to the approval of the Cardinals which shall not be unreasonably withheld). The Cardinals shall have the right to direct the Authority's counsel in such condemnation proceedings provided such directions are consistent with the manner in which the Public Participants conduct their own condemnation proceedings. The Cardinals shall be responsible for the payment of all costs of such proceedings and for payment of damages awarded in any such eminent domain action. The Authority and the Cardinals shall cooperate in such proceedings and execute all documents which may be reasonably necessary during the prosecution of such proceedings. During the condemnation proceedings, the Cardinals and their advisers shall regularly consult with the Authority, as from time to time requested by the Authority, regarding the status and fair settlement value of each such case. With respect to each condemnation proceeding the Authority shall provide the Cardinals with written notice of the commissioners' award immediately upon receipt of notice thereof, and the Cardinals shall provide the Authority with written notice of the Condemnation Commitment Date at least five days prior thereto, together with the letter of credit, cash escrow or other security required by this Section. Advice and consultation with the Authority shall continue throughout such proceedings. The following additional provisions shall also apply to any such condemnation proceedings:

(a) The Authority, prior to the appointment of appraisal commissioners, shall use its best efforts to obtain the consent of each defendant property owner, subject to reasonable terms and conditions, for the Cardinals to conduct a final survey, environmental tests, soils tests and such other investigations and tests as the Cardinals deem necessary. In the alternative, the Authority may file a motion with the court in which the petition for condemnation of any Acquisition Parcel is filed providing for the inspection of that parcel by the Cardinals on behalf of the Authority, at the Cardinals' cost, subject to reasonable terms and conditions.

(b) The Cardinals shall deliver copies of the foregoing surveys, tests and reports to the Public Participants and the Authority for their review. Notwithstanding any other provision of this Agreement to the contrary, the Authority shall not be required to take ownership of any Acquisition Parcel condemned hereunder unless the Authority shall be provided reasonable evidence that such parcel is free of contamination by Hazardous Materials or that the Cardinals have adopted a plan of remediation and indemnity satisfactory to the Public Participants and the Authority in their reasonable discretion.

(c) Upon the Cardinals' request, the Authority shall file exceptions to any commissioners' report deemed excessive in the Cardinals' judgment. In addition, the Authority may, at its option, file exceptions to any commissioners' report with respect to any parcel if the award stated in such report is greater than the Cardinals' appraisal for such parcel. Upon such request by the Cardinals, and subject to the full funding thereof by the Cardinals, the Authority shall timely file and diligently prosecute such exceptions.

(d) The Cardinals shall have the right to direct that the Authority terminate any condemnation proceeding to effect a settlement of such proceeding. In such event this Agreement shall continue and the Authority shall continue to diligently prosecute any other condemnation proceedings pending at such time.

(e) At the request of the Authority in connection with any condemnation action for any Acquisition Parcel, at least five days prior to the Condemnation Commitment Date for such parcel the Cardinals shall deposit a letter of credit, cash escrow or other commercially reasonable security acceptable to the Authority in its reasonable discretion, to be held as security for the Cardinals' obligation hereunder to be responsible for all costs of litigation and for payment of damages awarded. The amount of such letter of credit, cash escrow or other security shall be equal to the actual damages awarded, reduced by the amount of any commissioners' award paid in to court in such condemnation action. If, after such letter of credit, cash escrow or other security is established, the condemnee presents a higher appraisal at any trial on exceptions, at the Authority's request the Cardinals shall increase the amount of such letter of credit, cash escrow or other security to equal such appraisal. Such letter of credit, cash escrow or other security shall be held until the final total amount of damages awarded in connection with the acquisition of such parcels by condemnation is finally determined, whether by abandonment, final judgment (subject to no further appeal) of any suit on exceptions or settlement and at such time shall be applied toward the damages awarded in such condemnation suit and the purchase price under any option or purchase contracts, and any remaining amount shall be refunded to the Cardinals. If the Cardinals do not deposit a satisfactory letter of credit, cash escrow or other security at least five days prior to such Condemnation Commitment Date as required hereby, the Authority may dismiss or abandon such condemnation action, in addition to the other remedies available hereunder.

(f) Prior to the payment of damages into the office of the Clerk of the Circuit Court and recording of the commissioners' report in any condemnation action, and prior to the Authority taking title pursuant to a negotiated purchase pursuant to Section 4.2, the Parties and the Authority shall execute and record a nominee agreement stating that the Authority is taking bare legal title through eminent domain as the nominee of the Cardinals in order to carry out the public purposes served by the Project, that the Cardinals hold all beneficial interest, that the Cardinals have sole responsibility for the condition and maintenance of the parcel and that the Cardinals shall indemnify the Public Participants and the Authority against all costs and liabilities in connection with such parcel. Immediately after the Authority takes title in any such eminent domain suit or negotiated purchase, unencumbered, fee simple title to such property shall be conveyed by the Authority to the Cardinals by quit claim deed, in a form acceptable to the Authority, which shall subject the property to the terms of this Agreement, and the Cardinals shall accept such transfer and arrange for recording such quit claim deed.

(g) To the extent permitted by applicable Law, the City, in consultation with the State and the County, shall perform the obligations and undertakings of the Authority under this Section 4.3 until such time as the Authority is created and operating.

Section 4.4 Relocation. As expeditiously as is commercially feasible, the Cardinals shall relocate or cause the relocation of all occupants of and businesses located on the Project Site in accordance with the Relocation Requirements.

Section 4.5 Title Insurance. On or before the Bond Offering Commitment Date, the Cardinals shall cause to be delivered to the Authority and the Public Participants a commitment for the issuance of a title insurance policy (American Land Title Association, Standard Loan Policy Additional Coverage (1992)), in a maximum amount equal to the aggregate principal amount of the Ballpark Project Bonds expected to be issued, insuring that the Authority's interest in the Ballpark Project Site is free and clear of all liens and encumbrances except Permitted Encumbrances, and which shall provide for mechanics' lien coverage, access and zoning coverage and the deletion of all standard exceptions. Promptly following the Closing Date, the Cardinals shall cause to be delivered to the Authority the title policy described in such commitment in an amount which during the time any Ballpark Project Bonds are outstanding shall be not less than the aggregate principal amount of the Ballpark Project Bonds outstanding less any amount then on deposit in the Ballpark Project Construction Fund.

Section 4.6 Conveyance of Project Site to Authority. On the Closing Date, the Cardinals shall donate and convey to the Authority by special warranty deed the Project Site free and clear of all Liens, except Permitted Encumbrances; provided that the Cardinals shall not be required to donate and convey the Busch Stadium Portion until ____ days following the Closing

Date. Notwithstanding the provisions of Article VII hereof, no lease by any Person of the Busch Stadium Portion shall be required until the date on which the Busch Stadium Portion is donated and conveyed to the Authority as provided in this Section 4.6.

ARTICLE V

DESIGN AND CONSTRUCTION OF THE PROJECT

Section 5.1 Ballpark Project Design and Construction.

(a) The Public Participants hereby select the Cardinals as the developer of the Ballpark Project. The Cardinals pursuant to the Redevelopment Plan and the Redevelopment Contract and the Related Agreements shall cause and shall be responsible for the design and construction of the Ballpark Project (either directly or through an Affiliate), including the development of all plans, designs, schemes, drawings and programs and the selection of Consultants. The Authority and the Public Participants shall have the right to participate collaboratively in, but not the right to approve or disapprove (except as specifically provided in this Article) of any matters with respect to the design and construction of the Ballpark Project, including, but not limited to, preparation of the Ballpark Project Construction Budget, and shall be afforded reasonable access to monitor the overall progress and construction of the Ballpark Project. Nothing in this Agreement shall be deemed to limit the Public Participant's exercise of their general powers of code enforcement and government oversight in the construction of the Ballpark.

(b) The Public Participants hereby approve the Ballpark Project Preliminary Drawings. The Cardinals may further amend, refine and supplement the Ballpark Project Preliminary Drawings, subject to Consultation with the Public Participants, provided that any such amendment, refinement or supplement which constitutes a Major Change shall be subject to the approval of the Public Participants, which approval shall not be unreasonably withheld. Prior to implementing any proposed Major Change to the Ballpark Project Preliminary Drawings, the Cardinals shall deliver copies of the drawings showing such proposed change to the Public Participants. If the Public Participants disapprove of the proposed Major Change, they shall provide to the Cardinals their written objections with respect thereto within 10 working days after receiving such drawings and, if the Public Participants fail to do so, the proposed Major Change shall be deemed to be approved. Upon receipt of any such objections, the Cardinals and the Public Participants shall seek in good faith to resolve each objection and, if they are unable to do so within 10 working days following the Cardinals' receipt of such objections, then their disagreement shall be settled in accordance with the arbitration procedures set forth in Section 13.4.

(c) Ballpark Project Final Construction Drawings shall be prepared for the Ballpark Project by a licensed architect or engineer and delivered to the Authority and the Public Participants within 10 days following completion and receipt thereof by the Cardinals. The Cardinals shall regularly Consult with the Public Participants during the preparation of the Final Construction Drawings. The Authority and the Public Participants shall have the right to approve the Ballpark Project Final Construction Drawings (provided that such approval shall not be unreasonably withheld, conditioned or delayed) if the Ballpark Project Final Construction Drawings are inconsistent in any material respect with the Ballpark Project Preliminary Drawings, as amended, refined and supplemented hereunder. If the Authority or the Public Participants disapprove of the Ballpark Project Final Construction Drawings they shall provide to the Cardinals written objections with respect thereto within 30 days (10 days if the Cardinals shall have submitted a substantially final version of such Ballpark Project Final Construction Drawings to the Authority and the Public Participants at least 30 days prior to such date and shall be in compliance with the Construction Monitor Agreement) after receiving such Plans and, if they fail to do so the Ballpark Project Final Construction Drawings shall be deemed to be approved. Upon receipt of any such objections, the Cardinals, the Public Participants and the Authority shall seek in good faith to resolve each objection and, if they are unable to do so within 30 days following the Cardinals' receipt of such objections, then their disagreement shall be settled in accordance with the arbitration procedures set forth in Section 13.4.

(d) The Cardinals shall select and hire the Ballpark Contractor (who shall be experienced in the construction of facilities similar to the Ballpark Project) and the other Consultants for the Ballpark Project, provided that the Public Participants may disapprove of any Ballpark Contractor for Good Cause.

(e) The Cardinals shall enter into one or more Ballpark Project GMP Contracts in Consultation with the Public Participants and the Authority. The Public Participants shall have the right to review and suggest changes to the Ballpark Project GMP Contract. Prior to execution of any Ballpark Project GMP Contract, the Cardinals shall provide satisfactory documentation to the Public Participants and the Authority evidencing that no recourse against the Public Participants or the Authority is

permitted under such contract to any contractor working on the Ballpark Project.

(f) The Cardinals shall stipulate in the bidding requirements and require in each Ballpark Project GMP Contract that the Ballpark Contractor and any other contractors and subcontractors engaged by the Cardinals for the construction of the Ballpark Project is assured by payment and performance bonds, or equivalent insurance coverage reasonably acceptable to the Public Participants and the Authority, (i) from providers who are listed on U.S. Treasury Circular 570 as approved sureties, (ii) in an amount equal to at least 100% of the contract price to be paid to such contractor under the applicable contract, (iii) in form and substance reasonably acceptable to the Public Participants and the Authority and (iv) that name the Public Participants, the Authority and the Cardinals as co-obligees. Notwithstanding the foregoing, a separate payment or performance bond shall not be required for a Ballpark Contractor if the requirements of this Section 5.1(f) are satisfied with respect to the trade contractors and subcontractors performing construction work on the Ballpark Project for such Ballpark Contractor (that is, redundant or duplicate bonding of contractors and subcontractors with regard to the same portions of the work shall not be required).

(g) The Cardinals shall ensure that all contracts, including but not limited to the Ballpark Project GMP Contracts, entered into between the Cardinals and the Ballpark Contractor and the other Consultants for the Ballpark Project: (i) expressly state that the Public Participants and the Authority are third-party beneficiaries under such contract and that upon receipt by any party to such contract (other than the Cardinals) of written notice from the Public Participants or the Authority of an Event of Default by the Cardinals hereunder and notice that the Cardinals' rights hereunder have been assigned to the Public Participants or the Authority, such party agrees to attorn to the Public Participants or the Authority with respect to its performance under such contract; (ii) contain dispute resolution provisions; (iii) contain customary provisions regarding retainages acceptable to the Cardinals in their discretion; (iv) expressly state that upon the Consultant's default and a resulting termination of such contract, the Consultant shall deliver to the Cardinals, the Public Participants and the Authority copies of, and assign (or cause to be assigned) to the Cardinals, the Public Participants and the Authority all rights to, any and all designs, drawings, specifications, reports, studies (including seismic, environmental, soils, and other similar reports and studies), and all other materials prepared by (or caused to be prepared by) such Consultant in connection with the Ballpark Project; and (v) provide that any warranties, guarantees or indemnifications provided to the Cardinals shall also be provided to the Public Participants and the Authority.

(h) The Cardinals shall provide the Authority with an electronic or reproducible copy of each as-built drawing for the Ballpark upon receipt of such drawing from a Consultant.

Section 5.2 Change Orders Regarding Ballpark Project.

(a) Subject to the provisions of this Section 5.2, the Cardinals shall be entitled to undertake and effectuate Change Orders for the Ballpark Project without the consent of the Authority or any Public Participant.

(b) The Cardinals shall not undertake or effectuate any Change Order that would result in a Major Change without the prior approval of the Authority and the Public Participants; provided that the prior approval of the Public Participants shall not be required if the Construction Monitor provides the Public Participants with a written report recommending such change and setting forth in reasonable detail the basis for such recommendation. Prior to effectuating any such Change Order, the Cardinals shall deliver to the Authority and the Public Participants (i) a reasonably detailed description of the change in the work to be performed, including all conceptual drawings, plans and specifications related thereto (including those to be delivered to the appropriate contractor for implementation of such Change Order and (ii) a calculation of the additional costs (or savings, as applicable) resulting from effectuating such Change Order, together with reasonable documentation supporting such calculation. Within 10 working days after receipt by the Authority of such Change Order documents, the Authority shall deliver written notice to the Cardinals approving or disapproving such Change Order and, if such change order is disapproved, specifying the reasons therefor. The Authority shall not unreasonably withhold, condition or delay its approval. If the Authority fails to deliver such written notice within such period, the Authority shall be deemed to have approved such Change Order. If the Cardinals and the Authority are unable to resolve their disagreements with respect to such Change Order within 10 working days after the expiration of such 10-working-day period, their disagreement shall be settled in accordance with the arbitration procedures set forth in Section 13.4.

(c) Any Change Order that would result in a change in the Estimated Ballpark Project Costs shall be certified by a Ballpark Contractor and a copy of such Change Order shall be provided to the Authority and the Public Participants.

(d) Within 30 days after the approval by the Cardinals of any Change Order (including a Change Order resulting from a

Major Change) that results in an increase in the Estimated Ballpark Project Costs that would exhaust any remaining contingency line items in the Ballpark Budget, the Cardinals shall deposit cash or a Financial Instrument in a form satisfactory to the Authority and the Public Participants in an amount equal to 100% of such increased cost for deposit into the Ballpark Project Construction Fund.

Section 5.3 Ballpark Project Cost Overruns.

(a) Subject to the funding provisions set forth in this Agreement, the Cardinals hereby guaranty and agree to timely advance all funds necessary (i) to cause the planning, design, acquisition, construction and equipping of the Ballpark Project to be diligently and continuously prosecuted and to be completed with reasonable dispatch in accordance with the Ballpark Project Final Construction Drawings and within such times as are required under this Agreement, (ii) to pay and to be solely responsible for any construction costs, including all construction cost overruns in connection with the Ballpark Project and for which a budget contingency does not exist in the Ballpark Project Construction Budget and (iii) to pay all sums, in excess of the Net Proceeds of insurance, necessary to remedy any construction defects in connection with the Ballpark Project if such defects are not cured by the Ballpark Contractor within a reasonable time.

(b) In the event that the costs of planning, designing, acquiring, constructing and equipping the Ballpark Project exceed the Estimated Ballpark Project Costs, the Cardinals shall, at their option, either (i) engage in a value engineering process to bring costs within the Estimated Ballpark Project Costs, subject to such approvals from the Authority or the Public Participants as may be required under this Agreement, or (ii) deposit cash into the Ballpark Construction Fund in an amount equal to 100% of such excess cost or provide a Financial Instrument in a form reasonably satisfactory to the Authority and the Public Participants in an amount equal to 100% of such excess cost. The Cardinals shall have 30 days to comply with this requirement on each occasion to which it applies. The requirements of this Section 5.3(b) shall be subject to the provisions of Section 5.2(d) applicable to Change Orders, and in no event shall the Cardinals be required to deposit any funds or provide a Financial Instrument under this Section 5.3(b) that is duplicative of any funds deposited or Financial Instrument provided under Section 5.2(d).

Section 5.4 Hazardous Materials.

(a) Prior to conveying the Ballpark Project Site to the Authority, the Cardinals shall remove or remediate or cause to be removed or remediated all Hazardous Materials, on, in, under, or emanating from the Ballpark Project Site, as and to the extent required by, and in conformance with, all applicable federal, state and local Law, regulations and requirements and with reputable contractors appropriately experienced in the work to be performed; provided, however, that, notwithstanding any other provision of this Agreement, the Cardinals shall have the right to terminate this Agreement, without penalty or other liability to the Authority or the Public Participants, if the Cardinals determine that the costs of such removal or remediation of Hazardous Materials exceeds \$2,000,000 and notify the Public Participants and the Authority in writing of such determination not later than 45 days prior to the Bond Offering Commencement Date .

(b) The Cardinals shall be responsible for the on-site management of all Hazardous Materials generated and used by the Cardinals and their Consultants in the construction of the Ballpark Project. The Cardinals shall be identified to any Governmental Authority as the party responsible for generation, treatment, storage and disposal of all Hazardous Materials generated or used by the Cardinals and their Consultants in the construction of the Ballpark Project or located on the Project Site (and, therefore, shall be designated as the "generator" on all manifests relating to all such Hazardous Materials).

(c) The Cardinals hereby release, indemnify, defend and hold the Authority, the Public Participants and their employees, agents, successors and assigns harmless from and against any and all claims, losses, causes of action, suits, damages, penalties, fines, administrative actions, costs, expenses or liability, including, without limitation, reasonable attorneys' fees and expenses for personal injury to or death of any person, damage to any property, environmental conditions or contamination, caused by or arising from (i) any breach of this Section 5.4 and (ii) any Hazardous Materials on, in, under, or emanating from the Ballpark Project Site on or prior to Final Completion of the Ballpark Project, including the disposal, cleanup or remediation of such Hazardous Materials.

Section 5.5 Local and Minority Participation Goals.

(a) The Cardinals shall use their good faith efforts to maximize the use of local contractors, subcontractors and workers in connection with the planning, design, acquisition, construction and equipping of the Ballpark Project. For the purposes of this Section, the Cardinals shall have been deemed to have acted in "good faith" by considering the cost and quality impacts to

the Ballpark Project that would be achieved by using any local and non-local contractors, subcontractors and workers. The Cardinals intend to cause the Ballpark Contractor to enter into a Project Labor Agreement with the local trades council relating to the construction work for the Ballpark Project.

(b) The Cardinals shall and shall require in each contract entered into with any Consultants and the Ballpark Village Developers, that such Persons shall: (i) not discriminate against any employee or applicant for employment on any basis prohibited by Law, (ii) provide equal opportunity in all employment practices, (iii) comply with the provisions of the City's Equal Opportunity and Discrimination Guidelines attached hereto as **Exhibit __**, including Executive Order #28 dated July 24, 1997, setting a goal of 25% for minority-owned business participation and 5% for women-owned business participation, (iv) comply with all other applicable federal, state and local Law and executive orders regarding contracting, hiring and employment and (v) permit the City and the State to monitor and review compliance with the equal opportunity employment provisions contained in this Section 5.5.

Section 5.6 Mechanic's Liens. The Cardinals shall not suffer or permit any Lien to be enforced against the Ballpark Project or the Ballpark Project Site by reason of work done by the Cardinals or caused to be done by the Cardinals in or to the Ballpark Project or on the Ballpark Project Site, including under the Ballpark Project GMP Contract, or by reason of any materials furnished for or in connection with such work. If any mechanic's or materialmen's Lien shall be filed against the Ballpark Project or the Ballpark Project Site on account of any such work or materials, then, within 60 days thereafter, the Cardinals shall give to the Authority written notice thereof and either (i) cause the same to be removed of record within 60 days thereafter or (ii) within 60 days thereafter post a bond in the amount of 150% of the amount of such Lien, in form and substance reasonably acceptable to the Authority, unless any foreclosure action to enforce such Liens actually commences, in which case the Cardinals shall cause such Lien to be removed of record or post such bond within five days after the commencement of such

foreclosure action. The Cardinals shall indemnify, defend and hold harmless the Authority and the Public Participants from any costs, expenses or actions in connection with any such Liens.

Section 5.7 Enforcement of Contracts and Surety Bonds. In the event of a material default of any contractor or subcontractor under any construction contract or any other contract made in connection with the Ballpark Project, or in the event of a material breach of warranty with respect to any materials, workmanship or performance, the Cardinals shall promptly proceed, either separately or in conjunction with others, to pursue diligently the remedies of the Cardinals against the contractor or subcontractor in default and against any surety on a bond securing the performance of such contract, provided that the Cardinals determine, in their sole discretion, that it is commercially reasonable to do so.

Section 5.8 Cooperation of Authority and Public Participants. The Authority and the Public Participants shall cooperate with the Cardinals in all aspects of the predevelopment, design, construction and operation of the Ballpark, the demolition of Busch Stadium and the development and construction of the Transportation Infrastructure Project, including the following: (a) using their best efforts to obtain any and all inspections and expedite the processing and approval of any and all permits, licenses and other entitlements and authorizations, including under applicable environmental laws; and (b) in a commercially reasonable timeframe review, process and approve any and all plans, drawings and other documents and materials.

Section 5.9 Ballpark Village Phase I Design and Construction.(a) The Cardinals, pursuant to the Redevelopment Plan and the Redevelopment Contract and subject to Article III hereof, shall cause and shall be responsible for the design and construction of Ballpark Village Phase I, including the development of all plans, designs, schemes, drawings and programs and the selection of Consultants. The Redevelopment Plan and Redevelopment Contract shall provide for further customary detail regarding the timing and phasing of the development of Ballpark Village Phase I and shall contain such usual and customary terms and provisions governing development agreements, as are not inconsistent with this Agreement, including sufficient requirements to assist the Public Participants in tracking and accounting for Economic Activity Taxes and New State Revenues.

(b) Commencing April 1, 2006, the Cardinals shall submit or cause to be submitted on a quarterly basis to the Public Participants a written report on the development of Ballpark Village Phase I.

(c) The Cardinals shall be deemed to have caused the Final Completion of Ballpark Village Phase I upon the first to occur of the following: (i) funds aggregating at least \$100,000,000 shall have been spent for Ballpark Village Phase I Costs, as evidenced by all necessary Certificates of Completion with respect to Ballpark Village Phase I or any portion thereof accepted by the Authority, or (ii) the end of the second calendar year with respect to which no amounts are required to be paid by the Cardinals pursuant to Section 3.6(c). The Cardinals shall have the right for all purposes of this Agreement to substitute at any time any Block included in the Ballpark Village Phase II Site for any Block included in the Ballpark Village Phase I Site. Upon compliance by the Cardinals with the requirements of Section 5.10(d), the Public Participants shall cause the Default Covenant to be removed from any Block included in the Ballpark Village Phase I Site pursuant to the foregoing provision.

(d) The developers of Ballpark Village shall be selected by the Cardinals, provided that the Public Participants shall have the right to disapprove of any developer for Good Cause. The Cardinals shall provide the Public Participants with at least 30 days to evaluate the capabilities and experience of the developer and shall cause the developers to provide the Public Participants with background information concerning the developer's experience and financial capacity.

Section 5.10 Ballpark Village Phase II Design and Construction.

(a) The Cardinals, pursuant to the Redevelopment Plan and the Redevelopment Contract and subject to Article III hereof, shall cause and shall be responsible for the design and construction of Ballpark Village Phase II, including the development of all plans, designs, schemes, drawings and programs and the selection of Consultants. The Redevelopment Plan and Redevelopment Contract shall provide for further customary detail regarding the timing and phasing of the development of Ballpark Village Project and shall contain such usual and customary terms and provisions governing development agreements as are not inconsistent with this Agreement including sufficient requirements to assist the Public Participants in tracking and accounting for Economic Activity Taxes and New State Revenues.

(b) Commencing April 1, 2009, the Cardinals shall submit or cause to be submitted on a quarterly basis to the Public Participants a written report on the development of Ballpark Village Phase II.

(c) The Cardinals shall be deemed to have caused the commencement of any Block of Ballpark Village Phase II (or any portion of any Block, based on such allocation as shall be agreed to by the Parties and set forth in the Redevelopment Contract) at such time as any developers of such Block shall have closed on or provided financing with respect to such Block (or portion, as so allocated) in the lesser of: (i) an amount sufficient to fully fund the cost of the project or projects pursuant to the Redevelopment Plan for the respective Block of Ballpark Village Phase II; or (ii) an amount equal to \$66,666,667 for each Block, provided that in the event that any developers shall have closed on or provided financing with respect to any Block in an amount greater than \$66,666,667, such amount shall be reduced for each remaining Block by its pro rata portion of the amount of such excess.

(d) The Cardinals shall have the right for all purposes of this Agreement to substitute at any time any Block included in the Ballpark Village Phase I Site for any Block included in the Ballpark Village Phase II Site; provided that prior to such substitution the Cardinals have caused the Commencement Covenant to be recorded with respect to the Block to be substituted for any Block previously included in the Ballpark Village Phase II Site in a manner which ensures that all financing encumbrances of the Cardinals with respect to such Block are subordinated to the Commencement Covenant.

Section 5.11 Transportation Infrastructure Project Design and Construction. The Public Participants hereby designate the Cardinals as the developer of the Transportation Infrastructure Project. The Cardinals, in conjunction and cooperation with all applicable Governmental Authorities, shall cause and shall be responsible for the design and construction of the Transportation Infrastructure Project, including the development of all plans, designs, schemes, drawings and programs and the selection of Consultants. The Authority shall have right to participate collaboratively in, but not the right to approve or disapprove of any matters with respect to the design and construction of the Transportation Infrastructure Project, and shall be afforded reasonable access to monitor the overall progress and construction of the Transportation Infrastructure Project.

Section 5.12 Certificate of Completion. Promptly following Final Completion of the Ballpark Project, Ballpark Village Phase I, Ballpark Village Phase II, the Transportation Infrastructure Project or any Block or other portion or component (referred to in this Section 5.12 as a "Component") of the Project in accordance with the provisions of this Agreement, the Redevelopment Plan, and the Redevelopment Contract, the Cardinals shall furnish to the Authority a Certificate of Completion with respect to such Component executed by the Cardinals, the principal contractor and the principal architect of

such Component. Acceptance of the Certificate of Completion by the Authority shall be a conclusive determination of the satisfaction of the Cardinals' agreements and covenants to acquire, construct and equip such Component. The Certificate of Completion provided for by this Section shall be in a form which will enable recordation in the office of the City Recorder. The Authority shall have the right to refuse to accept such certification if it reasonably believes that such Component has not been completed in accordance with this Agreement and, in such event, the Authority shall, within 30 days after such Certificate has been submitted to the Authority by the Cardinals, provide to the Cardinals a written statement setting forth in detail in what respects the Cardinals have failed so to complete such Component and what measures the Cardinals must take, in the reasonable opinion of the Authority, to cause the Authority to accept such Certificate. If the Authority shall fail to provide such statement within such 30-day period, such Certificate shall be deemed to have been accepted. In the event that the Cardinals and the Authority are unable to resolve any disagreement as to the completion of such Component in accordance with this Agreement, their disagreement shall be settled in accordance with the arbitration procedures set forth in Section 13.4.

Section 5.13 Construction Monitor.

(a) As a condition to the execution of this Agreement, the Parties shall mutually agree upon the form and substance of a Construction Monitor Agreement, which may: (a) require the Cardinals to Consult with the Construction Monitor and to reasonably provide the Construction Monitor with design and construction drawings, schedules, reports, budgets and other similar information related to the Ballpark Project in lieu of or in conjunction with the information required to be provided to the Public Participants and the Authority hereunder, (b) require the Construction Monitor to provide consulting and other services to the Parties, (c) in an effort to maximize the efficient and timely completion of the Ballpark Project, allow for the reduction of certain timeframes for approvals contained in this Article V, (d) contain a guaranteed maximum fee to be charged for the Construction Monitor's services and (e) contain such other usual and customary terms of agreements for similar projects.

(b) The costs and expenses of the Construction Monitor shall be paid by the State and the City in proportion to the State Financing Amount and the City Financing Amount, respectively, provided that the State shall not be required to pay any such costs and expenses which would result in the aggregate amount payable by the State under this Agreement to exceed \$7,000,000 in any Fiscal Year of the State and the City shall not be required to pay any such costs and expenses which would result in the aggregate amount paid by the City under this Agreement to exceed \$4,200,000 in any Fiscal Year of the City.

ARTICLE VI PROJECT COSTS AND FUNDING

Section 6.1 Ballpark Project Costs. The total Ballpark Project Costs shall be set forth as the Estimated Ballpark Project Costs included in the Ballpark Project Construction Budget attached as Exhibit __ hereto. The Estimated Ballpark Project Costs may be changed from time to time in accordance with Article V. Estimates of the Ballpark Village Project Costs will be set forth in the Redevelopment Plan and the Redevelopment Contract, subject to the approval of the Public Participants, the Authority and the Cardinals, which approval shall not be unreasonably withheld.

Section 6.2 Payment of Ballpark Project Costs. The Cardinals shall pay all of the Ballpark Project Costs from (a) funds of the Cardinals and (b) proceeds of the Ballpark Project Bonds deposited in the Ballpark Project Construction Fund.

Section 6.3 Ballpark Project Bonds.

(a) Each Public Participant shall issue (or shall cause the issuance of by the Missouri Development Finance Board, the Authority or any other entity related to or selected by such Public Participant or the Authority) on the Closing Date Ballpark Project Bonds in one or more series as set forth below.

(i) State Ballpark Project Bonds shall be issued in an amount sufficient to provide for the deposit in the Ballpark Project Construction Fund of the net sum of \$100,000,000, net of Costs of Issuance, or such lesser net sum as may be necessary to ensure that the State Financing Amount, after taking into account any other amounts required to be paid by the State hereunder, will be sufficient to provide debt service over 30 years for such State Ballpark Project Bonds.

(ii) City Ballpark Project Bonds shall be issued in an amount sufficient to provide for the deposit in the Ballpark Project Construction Fund of the net sum of \$60,000,000, net of Costs of Issuance, or such lesser net sum as may be necessary to ensure that the City Financing Amount, after taking into account any other amounts required to be paid by the City

hereunder, will be sufficient to provide debt service over 30 years for such City Ballpark Project Bonds.

(iii) County Ballpark Project Bonds shall be issued in the maximum amount for which the County Financing Amount is expected to be sufficient to provide debt service over 30 years, and the proceeds of such Ballpark Project Bonds, net of Costs of Issuance, shall be deposited in the Ballpark Project Construction Fund.

(b) The Costs of Issuance of each issue of Ballpark Project Bonds shall be paid from the proceeds of such Bonds.

(c) On the Closing Date, the Cardinals shall cause to be deposited in the Ballpark Project Construction Fund an amount equal to the difference between (i) the Estimated Ballpark Project Costs and (ii) the proceeds or expected proceeds of the Ballpark Project Bonds deposited or to be deposited in the Ballpark Project Construction Fund; provided that in no event shall the amount so deposited be less than \$108,500,000. The Cardinals shall be entitled to make such deposit by means of a Financial Instrument; provided that in such event, in addition to any other requirements of this Agreement, (i) such Financial Instrument shall be issued by a bank acceptable to the Public Participants whose long-term indebtedness is rated at least AA or higher by at least two nationally-recognized rating agencies and which is reasonably acceptable to the Public Participants and (ii) the Cardinals shall also deposit in the Project Construction Fund on the Closing Date the estimated amount that would have been earned on the Cardinals deposit during the construction period for the Ballpark Project if such deposit had been made in cash, at an assumed investment yield equal to the projected yield on the money deposited in the Ballpark Project Construction Fund on the Closing Date (which amount shall for all purposes of this Agreement be treated as if earned during the construction period), and based on the projected draw schedule for the Ballpark Project Construction Fund to be delivered on the Closing Date. If the actual disbursement schedule for amounts in the Ballpark Project Construction Fund shall differ from the projected disbursement schedule, the Parties shall take appropriate action to increase or decrease the amount of such deposit, in such manner as shall be agreed to by the Parties and set forth in the Lease.

(d) Pursuant to the Act, the issuer of each issue or series of Ballpark Project Bonds shall duly and punctually pay the principal of, premium, if any, and interest on such Ballpark Project Bonds at the times and the places and in the manner specified in such Ballpark Project Bonds and in the related Indenture, according to the true intent and meaning thereof, but solely out of the sources of funds specified herein, in such Ballpark Project Bonds and the related Indenture.

(e) The issuer of each issue or series of Ballpark Project Bonds shall pay when due all reasonable fees and expenses of any Fiduciaries for services rendered with respect to such Bonds under the applicable Indenture and all reasonable fees and expenses of any paying agent or registrar.

(f) None of the Parties shall create or incur or permit to be created or incurred or to exist any mortgage, lien, security interest, charge or encumbrance upon the Ballpark, except Permitted Encumbrances.

Section 6.4 Ballpark Project Construction Fund.

(a) On the Closing Date, there shall be established a fund to be known as the "Ballpark Project Construction Fund", which shall be held for the benefit of the Authority by a Fiduciary. There shall be deposited in the Ballpark Project Construction Fund the Cardinals' contribution specified in Section 6.3, the proceeds of the Ballpark Project Bonds specified in Section 6.3 and any other amounts designated to be deposited therein for the purpose of paying Ballpark Project Costs. Amounts in the Ballpark Project Construction Fund shall be segregated by source of deposit and invested as shall be agreed to by the Authority, the Public Participants or the Cardinals (in each case with respect to the moneys contributed by such source), and as set forth in the Indentures and in accordance with applicable Law.

(b) The Cardinals shall have the right to withdraw funds from the Ballpark Project Construction Fund in accordance with the Act, this Agreement and the applicable Indenture upon delivery to the Authority or the Fiduciary of a requisition in substantially the form set forth in **Exhibit __**. Amounts in the Ballpark Project Construction Fund shall be used and expended solely and exclusively to pay Ballpark Project Costs and, to the extent not otherwise paid, Costs of Issuance and any rebateable arbitrage or any necessary reserves therefor. All withdrawals shall be funded on a pro rata basis equal to the respective contributions of the Cardinals and the Public Participants. If upon Final Completion or abandonment of the Ballpark Project any amounts remain in the Ballpark Project Construction Fund (including any amounts available to be drawn under a Financial Instrument) such amounts shall be paid to the Public Participants and the Cardinals pro rata based upon the amounts contributed by the Public Participants and the Cardinals to the Ballpark Project Construction Fund; provided that no amounts shall be distributed in a manner which would violate applicable Law or would adversely impact the exemption from federal income taxes of the interest on any Ballpark Project Bonds.

(c) No amount shall be withdrawn from the Ballpark Project Construction Fund so long as an Event of Default by the Cardinals exists under this Agreement and until the Authority and the Public Participants have received (i) copies of the executed Ballpark Project GMP Contract satisfying all of the requirements set forth in this Agreement, (ii) an updated copy of the Estimated Ballpark Project Costs, (iii) evidence that sufficient money is on deposit in the Ballpark Project Construction Fund to complete construction of the Ballpark Project in accordance with the most recent Estimated Ballpark Project Costs , (iv) an executed copy of the Lease in form and substance acceptable to the Authority, the Public Participants and the Cardinals, (v) federal or state funding for the balance of the Transportation Infrastructure Project Costs or satisfactory evidence that such funding has been obtained and (vii) such other documents and certifications as may be set forth in the Lease and the Related Agreements.

(d) Subject to the last sentence of this Section 6.4(d), the Cardinals agree that the Ballpark Project shall constitute a "public works" project within the meaning of Section 290.210, RSMo. Upon request, the Cardinals shall provide evidence to the Authority and the Public Participants of the Cardinals' compliance with the State wage and hour statutes. All contracts for the construction of the Ballpark Project shall include the "wage determination" provisions contained in Section 290.250, RSMo. Notwithstanding Sections 8.250, 8.285 to 8.291, 8.675 to 8.687, and 107.170, RSMo, and subject to the terms of the Redevelopment Contracts and the Construction Monitor Agreement, this Agreement establishes the systems and procedures for the design and construction of the Project.

(e) No later than 30 days after the end of each calendar year during acquisition, construction and equipping of the Ballpark Project, commencing with 2003, the Cardinals shall submit, or cause to be submitted, to the Public Participants a report, which may be based on information obtained from the Trustees for the Ballpark Project Bonds and the Authority, containing a summary of all transactions and disbursements from the Ballpark Project Construction Fund and the Transportation Infrastructure Project Fund for such calendar year.

Section 6.5 Public Participants' Financing Amounts and Requests for Appropriations.

(a) *State Covenant.* The Office of Administration covenants and agrees (a) to request that it be included in the Governor's budget submitted to the General Assembly during the Term, so long as the State Financing Amount is payable in respect of any State Ballpark Project Bonds, a request or requests for the State Financing Amount during the next succeeding Fiscal Year, and (b) to take such further action (or cause the same to be taken) as may be necessary or desirable, and within the authority of the Office of Administration, to assure the availability of moneys appropriated to pay the State Financing Amount. The first such request shall be submitted under applicable Law for the Fiscal Year of the State commencing July 1, 2005 (or such later Fiscal Year as may be agreed to by the Authority, the other Public Participants and the Cardinals), and subsequent requests for appropriations shall be made in each Fiscal Year thereafter so that the State Financing Amount to be paid during the succeeding Fiscal Year will be available for such purposes. It is the intention of the State that the decision to appropriate the State Financing Amount to provide financing for the Ballpark Project pursuant to this Agreement shall be made solely by the Missouri General Assembly and not by any other official of the State except pursuant to the exercise of the power of the Governor of the State to approve or disapprove such appropriation. The State presently expects, in each Fiscal Year of the State during the Term, to appropriate funds for the State Financing Amount so that the State Financing Amount to be paid during the succeeding Fiscal Year will be available for such purposes. Notwithstanding the foregoing, the Office of Administration intends to submit a request for a "\$1E (E is for estimated) placeholder" appropriation or a contingent appropriation to evidence the future obligations of the State hereunder and nothing in this Agreement shall restrict the right of the Office of Administration to do so.

(b) *City Covenant.* The City covenants and agrees, and the City's Budget Director or any other officer at any time charged with responsibility of formulating budget proposals is hereby directed, to include in the budget proposals submitted to the Board of Estimate and Apportionment, and to the extent permitted by Law, to the Board of Aldermen of the City, during the Term, so long as the City Financing Amount is payable in respect of any City Ballpark Project Bonds, a request or requests for the City Financing Amount. The first such request shall be submitted and appropriated under applicable Law for the Fiscal Year of the City commencing July 1, 2005 (or such later Fiscal Year as may be agreed to by the Authority, the other Public Participants and the Cardinals), and subsequent requests for appropriations shall be made in each Fiscal Year thereafter so that the City Financing Amount to be paid during the succeeding Fiscal Year will be available for such purposes. It is the intention of the City that the decision to appropriate the City Financing Amount to provide financing for the Ballpark Project pursuant to is Agreement shall be made solely by the Board of Aldermen and not by any other official of the City except pursuant to the exercise of power of the Mayor of the City to approve or disapprove ordinances. The City presently expects, in each Fiscal Year of the City during the Term, to appropriate funds for the City Financing Amount so that the City Financing Amount to be paid during the succeeding Fiscal Year will be available for such purposes.

(c) *County Covenant*. The County covenants and agrees, and the County Executive or any other officer at any time charged with responsibility of formulating budget proposals is hereby directed, to include in the budget proposals submitted to the County Council, in any year during the Term, so long as the County Financing Amount is payable in respect of any County Ballpark Project Bonds, a request or requests for the County Financing Amount. The first such request shall be submitted and appropriated under applicable Law for the Fiscal Year of the County commencing January 1, 2003 (or such later Fiscal Year as may be agreed to by the Authority, the other Public Participants and the Cardinals) and subsequent requests for appropriations shall be made in each Fiscal Year thereafter so that the County Financing Amount to be paid during the succeeding Fiscal Year will be available for such purposes. It is the intention of the County that the decision to appropriate the County Financing Amount to provide financing for the Ballpark Project pursuant to this Agreement shall be made solely by the County Council and not by any other official of the County except pursuant to the exercise and power of the County Executive of the County to approve or disapprove ordinances. The County presently expects, in each Fiscal Year of the County during the Term, to appropriate funds for the County Financing Amount so that the County Financing Amount to be paid during the succeeding Fiscal Year will be available for such purposes. The maximum amount of the County Financing Amount (that is, without regard to any rental and other payments that may be required to be made related to the Edward Jones Dome) is set forth in Addendum 3. On or before the Closing Date there shall be set forth as Addendum 4 to this Agreement a certificate of the County setting forth all required rental payments and other payments of fees and charges owed by the County pursuant to the existing terms of any lease, sublease or financing of any kind relating to the Edward Jones Dome, together with, to the best of the County's knowledge, a description of those factors that could cause such payments to change during the period during which the County Financing Amount is payable.

Section 6.6 Limited Obligations. The obligations of the Public Participants under this Agreement are subject to annual appropriation as provided herein. Neither the obligations of the State, the City or the County with respect to such payments nor the Ballpark Project Bonds shall constitute a debt or liability of the State, the City, or the County or of any agency or political subdivision of any of them within the meaning of any State constitutional provision or statutory limitation and the Office of Administration, the State, the City, the County and any agency or political subdivision of any of them shall not be obligated, directly or indirectly, to levy any form of taxation therefor or to make any payments beyond those appropriated pursuant to this Agreement for each respective Public Participant's then current Fiscal Year.

Section 6.7 Assignment of Public Participants' Financing Amounts and Rights. The Public Participants' Financing Amounts and other obligations of the Public Participants under this Agreement may be assigned as security for the Ballpark Project Bonds, including to the Trustees under one or more Indentures. Any such Trustee shall have the right to enforce either jointly with the Authority or separately the performance of the obligations of the Public Participants under this Agreement, and may require that payments required by the Public Participants hereunder be made directly to such Trustee.

Section 6.8 Event of Non-Appropriation. If any one or more of the following events shall occur and be continuing with respect to a Public Participant, it shall constitute an Event of Non-Appropriation with respect to such Public Participant under this Agreement:

- (a) Failure of the Missouri General Assembly to budget and appropriate, specifically with respect to this Agreement, on or before the last day of a Fiscal Year, the State Financing Amount for the next succeeding Fiscal Year; or
- (b) Failure of the Board of Aldermen of the City to budget and appropriate, specifically with respect to this Agreement, on or before the last day of a Fiscal Year, the City Financing Amount for the next succeeding Fiscal Year; or
- (c) Failure of the County Council of the County to budget and appropriate, specifically with respect to this Agreement, on or before the last day of a Fiscal Year, the County Financing Amount for the next succeeding Fiscal Year.

Any Public Participant which has not appropriated the funds required to be appropriated by such Public Participant under Section 6.5, shall immediately notify the other Parties and the Authority of the occurrence of an Event of Non-Appropriation with respect to such Public Participant.

Section 6.9 Obligations of Public Participants Absolute and Unconditional.

- (a) Subject to the limitations of this Agreement and all applicable Law, the obligations of the Public Participants under this Agreement to make Public Participant Payments during the Term on or before the date the same become due, and to perform all of their respective other obligations, covenants and agreements hereunder shall, subject to the provisions of (b) below, be absolute and unconditional, without notice or demand, and without abatement, deduction, set-off, counterclaim, recoupment

or defense whatsoever, whether now existing or hereafter arising, and irrespective of whether the Project shall have been started or completed, or whether the Authority's title thereto or to any part thereof is defective or nonexistent, or whether any other Public Participant or the Authority is in default or has failed to perform any obligations hereunder, and notwithstanding any damage to, loss, theft or destruction of the Project or any part thereof, any failure of consideration, the taking by eminent domain of title to or of the right of temporary use of all or any part of the Project, legal curtailment of such Public Participant's or any other Public Participant's use thereof, the eviction or constructive eviction of such Public Participant or any other Public Participant, any change in the tax or other Law of the United States of America, the State or any political subdivision thereof, any change in the Authority's legal organization or status, or any default of the Authority or any Public Participant hereunder, and regardless of the invalidity of any action of the Authority or any Public Participant, and regardless of the invalidity of any portion of this Agreement.

(b) Notwithstanding any provision or covenant contained in the Indentures or the Ballpark Project Bonds, no Public Participant shall be obligated to appropriate moneys, or to make Public Participant Payments beyond the end of the Fiscal Year in effect at a given time with respect to such Public Participant. No Public Participant shall be under any obligation to levy any taxes in order to raise revenues to make such Public Participant Payments. In no event shall any Public Participant be obligated to levy any tax in excess of the maximum levy permitted by Law.

Section 6.10 Ballpark Village Project Costs and Funds. The Public Participants and the Authority shall not be required to obtain or provide any financing or funding for the development or construction of the Ballpark Village Project. The Public Participants agree to use their best efforts to assist the Cardinals in obtaining funding for the development of the Ballpark Village Project, and the financing and funding for the Ballpark Project shall not be structured or implemented so as to cause tax increment or other development financing provided for pursuant to State or local Law (including any New State Revenues and Economic Activity Taxes) to be unavailable for the funding of the Ballpark Village Project. Notwithstanding the foregoing or any provision of Law to the contrary, the Cardinals agree that any State development incentives for the Ballpark Village Project, whether discretionary or non-discretionary, shall be subject to a cost-benefit analysis in accordance with the applicable statutes as determined by the State Department of Economic Development. Such cost-benefit analysis shall be conducted on a fair and equitable basis and shall not take into account in any respect any remedies or penalties which may be available to the Public Participants or the Authority under Section 3.6 (relating to commencement and completion of the Ballpark Village Project); and the Cardinals shall not be required in connection with any such State development incentives to contribute land or any other property at less than its fair market value. Should such cost-benefit analysis show an insufficient economic benefit to the State, the requested incentive shall not be available for financing or funding of the Ballpark Village Project. Any use of New State Revenues in connection with tax increment or other development financing for the Project shall result in a reduction of such revenues for purposes of Section 8.6 hereof.

Section 6.11 Transportation Infrastructure Project Costs and Funds.

(a) On the Closing Date, there shall be established a fund to be known as the "Transportation Infrastructure Project Fund", which shall be held for the benefit of the Authority by a Fiduciary. There shall be deposited or caused to be deposited in the Transportation Infrastructure Project Fund on the Closing Date by the Cardinals, in a separate account therein, the amount of \$6,250,000 (which is equal to one-half of the current estimate of the Transportation Infrastructure Project Costs). The Public Participants agree to use their best efforts to secure federal or state funding for the balance of the Transportation Infrastructure Project Costs, which funding shall be deposited in a separate account in the Transportation Infrastructure Project Fund or otherwise committed to the Project in accordance with customary procedures for funding such projects. In lieu of a cash contribution to the Transportation Infrastructure Project Fund, the Cardinals may substitute a Financial Instrument.

(b) The Cardinals shall have the right to withdraw funds from the Transportation Infrastructure Project Fund in accordance with the Act and this Agreement upon delivery to the Authority or the Fiduciary of a requisition in substantially the form set forth in Exhibit __. Amounts in the Transportation Infrastructure Project Fund shall be used and expended solely and exclusively to pay Transportation Infrastructure Project Costs.

(c) In the event that timely federal or state funding or satisfactory evidence of such funding for the balance of the Transportation Infrastructure Project Costs over the amount to be deposited by the Cardinals under Section 6.11(a) is not obtained by the Bond Offering Commitment Date, the Cardinals shall have the right to terminate this Agreement. If the Public Participants are able to obtain federal or State of Illinois funding for greater than their share of the Transportation Infrastructure Project Costs, the amounts which the Cardinals are obligated to contribute pursuant to Section 6.11(a) herein shall be reduced thereby dollar for dollar.

Section 6.12 Cooperation Regarding Financing. Subject to the terms of this Agreement and without creating any new obligations or reducing any rights afforded to any Party in this Agreement, the Parties agree to cooperate with each other in (a) the issuance of the Ballpark Project Bonds, including, but not limited to, provision of access to any and all records, construction monitoring and the acceptance of other reasonable non-economic requests of any underwriter or other financial advisor associated with the Ballpark Project Bonds which are not inconsistent with such Parties' current practices and (b) the Cardinals obtaining financing for those portions of the Ballpark Project Costs which are to be funded or provided by the Cardinals (provided that the Authority and the Public Participants shall under no circumstances be obligated to provide any of their own funds or lend their credit for such purpose).

Section 6.13 Ballpark Project Bonds.

(a) The State shall have no obligation to issue or cause to be issued the State Ballpark Project Bonds unless the following requirements are satisfied:

(i) The interest on the State Ballpark Project Bonds shall be excluded from gross income for federal income tax purposes, except to the extent that the State in its sole judgment shall have determined that such exclusion is not necessary or required.

(ii) The method by which the State Ballpark Project Bonds are sold shall be acceptable to the State.

(iii) The maximum financial liability of the State under this Agreement and with respect to the State Ballpark Project Bonds (including but not limited to costs of administration, paying agents, trustees, Fiduciaries, arbitrators, court costs and annual rebate calculations) shall be \$7,000,000 per Fiscal Year of the State, and such liability shall be subject to annual appropriation.

(iv) Arbitrage rebate shall be calculated annually and shall be deducted from interest earnings and deposited annually into a segregated fund held by the applicable Trustee.

(v) The proceeds of the State Ballpark Project Bonds shall be segregated and invested separately from all other moneys.

(vi) All investment of the proceeds of the State Ballpark Project Bonds shall be approved by the State.

(vii) The proceeds of the State Ballpark Project Bonds shall be used only for Ballpark Project Costs and Costs of Issuance of the State Ballpark Project Bonds.

(viii) The Parties shall have agreed upon the forms of the Redevelopment Plan and the Redevelopment Contract, and the Construction Monitor Agreement shall be in force and effect.

(b) The City shall have no obligation to issue or cause to be issued the City Ballpark Project Bonds unless the following requirements are satisfied:

(i) The interest on the City Ballpark Project Bonds shall be excluded from gross income for federal income tax purposes, except to the extent that the City in its sole judgment shall have determined that such exclusion is not necessary or required.

(ii) The method by which the City Ballpark Project Bonds are sold shall be acceptable to the City.

(iii) The maximum financial liability of the City under this Agreement and with respect to the City Ballpark Project Bonds (including but not limited to costs of administration, paying agents, trustees, Fiduciaries, arbitrators, court costs and annual rebate calculations) shall be \$4,200,000 per Fiscal Year of the City, and such liability shall be subject to annual appropriation.

(iv) Arbitrage rebate shall be calculated annually and shall be deducted from interest earnings and deposited annually into a segregated fund held by the applicable Trustee.

(v) The proceeds of the City Ballpark Project Bonds shall be segregated and invested separately from all other moneys.

(vi) All investment of the proceeds of the City Ballpark Project Bonds shall be approved by the City.

(vii) The proceeds of the City Ballpark Project Bonds shall be used only for Ballpark Project Costs and Costs of Issuance of the City Ballpark Project Bonds.

(viii) The Parties shall have agreed upon the forms of the Redevelopment Plan and the Redevelopment Contract, and the Construction Monitor Agreement shall be in force and effect.

(c) The County shall have no obligation to issue or cause to be issued the County Ballpark Project Bonds unless the following requirements are satisfied:

(i) The interest on the County Ballpark Project Bonds shall be excluded from gross income for federal income tax purposes, except to the extent that the County in its sole judgment shall have determined that such exclusion is not necessary or required.

(ii) The method by which the County Ballpark Project Bonds are sold shall be acceptable to the County.

(iii) The financial liability of the County under this Agreement and with respect to the County Ballpark Project Bonds (including but not limited to costs of administration, paying agents, trustees, Fiduciaries, arbitrators, court costs and annual rebate calculations) shall not exceed the County Financing Amount per Fiscal Year of the County, and such liability shall be subject to annual appropriation.

(iv) Arbitrage rebate shall be calculated annually and shall be deducted from interest earnings and deposited annually into a segregated fund held by the applicable Trustee.

(v) The proceeds of the County Ballpark Project Bonds shall be segregated and invested separately from all other moneys.

(vi) All investment of the proceeds of the County Ballpark Project Bonds shall be approved by the Court.

(vii) The proceeds of the County Ballpark Project Bonds shall be used only for Ballpark Project Costs and Costs of Issuance of the County Ballpark Project Bonds.

(viii) The Parties shall have agreed upon the forms of the Redevelopment Plan and the Redevelopment Contract, and the Construction Monitor Agreement shall be in force and effect.

ARTICLE VII

OPERATION AND USE OF THE BALLPARK

Section 7.1 Lease of Ballpark to Public Participants. On the Closing Date, the Authority shall rent, lease and let the Ballpark to the Public Participants, and the Public Participants shall rent, lease and hire the Ballpark from the Authority, upon and subject to the terms and conditions herein contained and upon such other terms and conditions as may be agreed upon by the Public Participants and the Authority.

Section 7.2 Sublease of Ballpark to Authority. On the Closing Date, the Public Participants shall rent, sublease and relet the Ballpark to the Authority, and the Authority shall rent, sublease and rehire the Ballpark from the Public Participants, upon and subject to the terms and conditions herein contained and upon such other terms and conditions as may be agreed upon by the Public Participants and the Authority.

Section 7.3 Sublease of Ballpark to Cardinals. At Closing the Authority shall rent, sublease and sublet the Ballpark to the Cardinals, and the Cardinals shall rent, sublease and sublet the Ballpark from the Authority, pursuant to a Lease consistent with and subject to the terms and provisions of this Agreement and containing usual and customary terms and provisions governing commercial leases (the "Lease").

Section 7.4 Lease Term.

(a) The initial term of the Lease shall commence on the Closing Date and shall terminate on the date that is 35 years after the Closing Date, provided that if such scheduled termination date occurs during a Major League Baseball Season, the Lease shall terminate at the end of that Season.

(b) So long as the Cardinals are not then in default under any of the provisions of this Agreement or the Lease, the Cardinals may elect to extend the initial term of the Lease for up to three consecutive extension terms of five years each, by providing to the Authority written notice of any such election not less than one year prior to the then scheduled termination date of the Lease. Upon such election, such extension term shall be included in the Lease Term, and during such extension term all of the terms and conditions contained or incorporated in the Lease shall remain in effect.

Section 7.5 Rent. The Cardinals shall pay rent ("Rent") to the Authority for the Ballpark in the amounts set forth in Exhibit ____.

Section 7.6 Use of Ballpark. The Cardinals shall be entitled to full and exclusive possession and use of the Ballpark, subject to any specific limitations and conditions imposed on the Cardinals by this Agreement. The Cardinals shall be entitled to use the Ballpark for such events and activities as are permitted by Law including any and all activities which are associated with, are customarily conducted in connection with or are related to the conduct of the business of a Major League Baseball team. Notwithstanding the foregoing or any other provisions of this Agreement, the Cardinals' possession and use of the Ballpark shall be subject to the following limitations:

(a) The Cardinals shall not occupy or use the Ballpark (or permit the use or occupancy of the Ballpark) for any purpose or in any manner that violates: (i) any applicable Law; (ii) this Agreement; (iii) the Lease or any Related Agreement; or (iv) any easement, covenant, restriction or other instrument to which this Agreement and the Ballpark Project Site are subject or bound as of the Closing Date or to which the Cardinals have given their written consent.

(b) The Cardinals shall not hold or sponsor any event the conduct of which would present a clear and present danger of material damage to the Ballpark, as demonstrated by damage caused at other Major League Baseball parks or comparable large public or private facilities as a result of the conduct of similar events, provided that the refusal to hold or sponsor such event would not expose the Cardinals to liability for violation of Law.

(c) The Cardinals shall not hold or sponsor any professional football games at the Ballpark which would result in the violation or breach by any Public Participant or any other governmental authority located in the City or the County of any existing contractual obligation or agreement of such entity, without the prior written consent of such entity.

(d) The Authority shall have the non-transferable right to use or sponsor the use of the Ballpark for a minimum of five Community Events during each calendar year of the Lease Term. A Community Event may be sponsored only for the benefit of nonprofit organizations, such as non-commercial not-for-profit youth athletic events, or not-for-profit civic celebrations. Community Events shall be scheduled only on dates approved by the Cardinals, and the Authority shall provide not less than 90 days written notice to the Cardinals of any date on which it desires to schedule use of the Ballpark for a Community Event. Such notice shall include the date, time, length and a general description of such Event. Community Events may not be scheduled on dates scheduled by the Cardinals for any other use of the Ballpark (including any Team practice date), and any scheduled Community Event shall be moved to another date if the Ballpark is required for a Home Game or other event or activity held or sponsored by the Cardinals. No Community Event shall be permitted that, in the judgment of the Cardinals, would result in damage to or unreasonable use of the Ballpark including, without limitation, the playing surface of the Ballpark. The Cardinals shall not unreasonably withhold their consent to the use of the Ballpark as provided in this paragraph. The Cardinals shall not charge any rent or license, use or other fee for use of the Ballpark for a Community Event, but shall be reimbursed for expenses incurred by the Cardinals in connection with such Event, including additional utilities, insurance, security, personnel and maintenance and repair costs, that would not have been incurred but for such Event. Payments for such expenses shall be made to the Cardinals within 30 days after submission of an invoice by the Cardinals to the Authority stating the expenses incurred. The Authority shall provide or cause to be provided to the Cardinals written evidence of general liability and such other insurance as the Cardinals reasonably require with respect to such Community Event. The Authority shall comply and shall cause all other users of the Ballpark in connection with any Community Event to comply with the rules, regulations and other requirements developed by the Cardinals with respect to the Ballpark. Upon request of the Authority, the Cardinals shall provide to the Authority an estimate of the costs which the Authority will be required to reimburse in connection with such Community Event.

Section 7.7 Management and Operation of Ballpark.

(a) The Cardinals shall exclusively manage and operate all aspects of the Ballpark including, without limitation, the selection and hiring of all vendors, concessionaires and other contractors that provide services or materials related to the Ballpark.

(b) The Cardinals shall do all things, take all actions and expend such funds as may be necessary or desirable in their judgment for the operation of the Ballpark in accordance with this Agreement and the Lease during the Lease Term. Without limiting the foregoing, the Cardinals, at all times during the Lease Term, shall:

(i) Commence, defend and settle any legal actions or proceedings concerning the operation of the Ballpark as may be necessary or required in the opinion of the Cardinals; retain counsel in connection with any such legal actions and proceedings; and notify the Authority in writing of the commencement of any such legal action or proceeding and, if requested by the Authority, advise the Authority of the progress of any such legal action or proceeding and send to the Authority copies of all material legal documentation relating to such legal actions and proceedings.

(ii) Employ, train, pay and supervise personnel and engage such independent contractors as the Cardinals determine in their sole discretion to be necessary for the operation of the Ballpark. None of the personnel employed or engaged by the Cardinals for the management and operation of the Ballpark shall be deemed to be employees of the Authority or the Public Participants.

(iii) Maintain or cause to be maintained all necessary licenses, permits, approvals and authorizations required by any Governmental Authority for the operation of the Ballpark.

(iv) The Cardinals shall comply and shall contractually obligate their concessionaires to comply with the provisions of the City's Equal Opportunity and Discrimination Guidelines attached hereto and incorporated herein as Exhibit ___ including Executive Order #28 dated July 24, 1997 setting a goal of 25% for minority-owned business participation and 5% for women-owned business participation. The Cardinals shall provide to the City such information as may reasonably be required to enable the City to monitor compliance.

Section 7.8 Compliance with Law. The Cardinals shall comply with all Law which may be applicable to them or to the Ballpark. Notwithstanding the foregoing, the Cardinals shall have the right to contest or cause review by legal or other appropriate procedures the validity, legality or application of any such Law and during such contest or review the Cardinals may refrain from complying therewith, provided that such contest or review does not materially impair the ability of the Cardinals to perform their obligations under this Agreement.

Section 7.9 Revenues from Ballpark. The Cardinals shall be entitled to receive and retain all revenues and other amounts received from all events held in or about the Ballpark, and from all sales, uses and other transactions and activities in or relating to the Ballpark or the Team, except as may otherwise be specifically set forth in this Agreement.

Section 7.10 Operating Budget and Annual Report. (a) On or before the first day of each Ballpark Operating Period, the Cardinals shall submit to the Authority a Ballpark Operating Budget for the succeeding Ballpark Operating Period. The Ballpark Operating Budget shall set forth the amount expected to be paid during the succeeding Ballpark Operating Period for, among other things, Ballpark Operating Repairs and Maintenance, Ballpark Capital Repairs and Improvements and each significant item of operating expenses for the Ballpark, together with the amounts proposed to be paid by the Cardinals for such purposes.

(b) Not later than 150 days following the end of each Ballpark Operating Period, the Cardinals shall submit to the Authority and the Public Participants an audited report setting forth all expenditures and reserves of the Cardinals with respect to the leasing and operation of the Ballpark for such Ballpark Operating Period.

Section 7.11 Occupancy of Ballpark by Subtenants. The occupancy of the Ballpark by concessionaires, subtenants or other persons or entities under authorization of the Cardinals shall not extend beyond the Lease Term.

Section 7.12 Taxes, Assessments and Other Governmental Charges

(a) The Cardinals shall promptly pay and discharge, as the same become due, all taxes and assessments, general and special, and other governmental charges of any kind whatsoever that may be lawfully taxed, charged, levied, assessed or imposed upon or against or be payable for or in respect of the Ballpark Project, the activities therein and the income therefrom and for or in respect of the Public Participants' Financing Amounts and other amounts payable under this Agreement, including any new taxes and assessments not of the kind enumerated above to the extent that the same are lawfully made, levied or assessed in lieu of or in addition to taxes or assessments now customarily levied against real or personal property, and further including all utility charges, assessments and other general governmental charges and impositions whatsoever,

foreseen or unforeseen, which if not paid when due would encumber the Authority's title to the Ballpark.

(b) Subject to the provision of Section 12.5(e), the Cardinals shall be responsible for (i) all taxes and assessments, general and special, and other governmental charges of any kind whatsoever that may be lawfully taxed, charged, levied, assessed or imposed upon or against or be payable for any leasehold interest with respect to the Ballpark Project Site, the Ballpark or any buildings, improvements, machinery and equipment at any time installed on the Ballpark Project Site and (ii) any tax or assessment of any kind whatsoever that is imposed by any legislation, rule, regulation or other Law enacted after the date of this Agreement and that by its terms or its effect is substantially a replacement for or substitution of the changes in taxes made by the Admissions Tax Amendment or is substantially a tax only on sports-related tickets or admissions.

Section 7.13 Utilities. The Cardinals shall be solely responsible for and shall promptly pay or cause to be paid all charges or taxes for heat, water, sewer, gas, electricity, telephone, communications and any other utilities and services rendered to or used on or about the Ballpark, including all costs of maintenance, repair, pest control, security, waste removal and janitorial, elevator and escalator services.

Section 7.14 Right of Inspection. In addition to other inspections permitted by applicable Law, the Cardinals shall permit the Public Participants, the Authority and the Trustees to visit and inspect the Ballpark at reasonable times and with reasonable frequency, upon not less than 72 hours prior written notice to the Cardinals, provided that such visits and inspections shall not cause any delay, interruption or interference in the construction or operation of the Ballpark.

Section 7.15 Authority Office. The Authority shall be furnished with a private office and reception area for its use, which shall (a) be at a location within the Ballpark in reasonable proximity to the Cardinals' offices, (b) contain approximately 200 square feet and (c) be delivered in a finished condition (excluding furnishings) suitable for use as a business office. Such office space shall be furnished at no cost to the Authority. The Authority shall also have non-exclusive access to a conference room where it shall conduct the meetings of its commissioners. The Authority shall pay no rent or utilities for such office space or conference room, except the cost of telephone and communications services. Cleaning and routine maintenance, including periodic painting and replacement of carpeting, shall be provided by the Cardinals and paid for by the Authority.

Section 7.16 Maintenance of Existence. At all times during the Lease Term the Cardinals shall maintain their existence as an entity organized under the laws of the State or any other state of the United States, and shall not dissolve or liquidate without the prior written consent of the Public Participants and the Authority; provided that the Cardinals may dissolve or liquidate (including in connection with any merger, consolidation or other organizational transaction) without such consent provided that the obligations of the Cardinals under this Agreement, the Lease and the Related Agreements shall have been assigned in accordance with Section 13.6 of this Agreement.

Section 7.17 Maintenance of Franchise. At all times during the Lease Term the Cardinals shall (i) maintain the membership in good standing of the Team in Major League Baseball and (ii) hold, maintain and defend the right of the Team to play baseball as a member of Major League Baseball and (iii) use reasonable efforts to oppose the adoption of any Major League Baseball Rules and Regulations that would cause the Cardinals to be unable to comply with any of the terms of this Agreement, the Lease and the Related Agreements.

ARTICLE VIII

CERTAIN TAXPAYER PROTECTION AND RELATED PROVISIONS

Section 8.1 Agreement to Play and Not to Relocate. The Cardinals acknowledge that their commitment to play all of their Home Games at the Ballpark is a material inducement for the Public Participants and the Authority to undertake the development of the Ballpark Project and to enter into this Agreement and the Lease. Accordingly, the Cardinals covenant that, during the Lease Term, except during any Untenantability Period and subject to Force Majeure and to Major League Baseball Rules and Regulations:

(a) The Team shall play all of its Home Games at the Ballpark.

(b) The Cardinals shall not relocate or transfer the Team outside the boundaries of the City, and shall not change or move the home territory of the Team in any manner that would exclude the City or the County.

(c) The Cardinals shall not enter into any contract which obligates the Team to play its Home Games at any location other than the Ballpark.

(d) The Cardinals shall not seek approval from Major League Baseball or the National League of Professional Baseball Clubs for any of the matters specified in (a) through (c) above.

Section 8.2 Maintenance of Headquarters. The Cardinals shall maintain their headquarters and their principal place of business within the City during the Lease Term.

Section 8.3 All-Star Game. The Cardinals agree to use their absolute best efforts to cause the Major League Baseball All-Star Game to be played at the Ballpark during the Major League Baseball Season in which Substantial Completion of the Ballpark occurs.

Section 8.4 Affordable Seating. During the Lease Term, the Cardinals (a) shall make available at all regular season Home Games following the Opening Date a minimum of 6,000 tickets at a price of not more than \$12.00 per ticket in year 2000 dollars, and (b) shall distribute, in conjunction with the Public Participants, a minimum of 100,000 complimentary tickets per year to youth and charitable organizations.

Section 8.5 Neighborhood Recreational Facilities. In each calendar year during the Lease Term, commencing with the first calendar year following the Closing Date, the Cardinals shall contribute at least \$100,000 per year to the development, construction or refurbishment of neighborhood recreational facilities that will primarily benefit or serve disadvantaged youth in the City and County.

Section 8.6 Naming Rights Funds. (a) The Authority, as owner of the Ballpark, shall own the Naming Rights. The Authority shall have the right to sell, transfer, assign and negotiate the Naming Rights, provided that (i) the name of the Ballpark shall be subject to the approval of the Cardinals and the Public Participants, which approval shall not be unreasonably withheld, and (ii) no such sale, transfer, assignment or negotiation, or any terms thereof, shall be made or agreed to which would result in the violation or breach by the Cardinals of any agreement or contract in effect on and disclosed to the Public Participants prior to the date of this Agreement. The Authority shall submit any proposed name for the Ballpark to the Cardinals and the Public Participants in writing and no name shall be used or allowed to be used to which the Cardinals or the Public Participants have objected in writing within 30 days of their receipt of such proposed name. Any failure of any Party to object in writing to the Authority within such time period shall be deemed to be approval by such Party. In the event that the Cardinals, the Authority and the Public Participants are unable to resolve any disagreement as to any proposed name for the Ballpark, their disagreement shall be settled in accordance with the arbitration procedures set forth in Section 13.4. The Authority and the Cardinals shall cooperate and use their best efforts to jointly market the Naming Rights at a time and in a manner which shall maximize the economic value of the Naming Rights. At such time as the Authority and the Cardinals have reached a preliminary agreement with the prospective purchaser of the Naming Rights the Authority shall notify the Public Participants in writing of the terms and conditions of such agreement. The Public Participants shall have the right to request that the Authority obtain a report from a nationally recognized consulting firm confirming whether the price to be paid for such naming rights is consistent with then current market for such Naming Rights. If such report concludes that the terms of such sale are not market terms the Public Participants shall reserve the right to object to such sale as provided in the preceding paragraph.

(b) There shall be established a fund to be known as the "State Naming Rights Fund," which shall be held by a Fiduciary. Amounts in the State Naming Rights Fund shall be invested as directed by the Authority following Consultation with the State and the Cardinals.

(c) There shall be deposited into the State Naming Rights Fund as and when received the State Naming Rights Fund Amount.

(d) The State Naming Rights Fund shall be drawn upon by the State to the extent that the cumulative New State Revenues from the Project (measured initially at the end of the first calendar year which is at least 10 years following the Closing Date and at 5-year intervals thereafter and taking into account any prior payments to the State) are less than the annual cumulative appropriations for the applicable period (that is, from January 1, 2002) made by the State pursuant to Section 6.5.

(e) Not later than 30 days following the end of each calendar year occurring on or after the first measurement date, all amounts in the State Naming Rights Fund in excess of the State Maximum Amount shall be transferred to the Ballpark Capital Reserve Fund. For purposes of this subsection (e): "State Maximum Amount" means (i) \$10,000,000 on and after the

first measurement date if the first measurement date is not a Reduction Date, (ii) \$7,000,000 on and after the first Reduction Date, (iii) \$5,000,000 on and after the second Reduction Date and (iv) \$3,000,000 on and after the third Reduction Date; and "Reduction Date" means any measurement date on which no amounts are withdrawn from the State Naming Rights Fund by the State pursuant to subsection (d) above. Any such transfers of amounts in excess of the State Maximum Amount which are made on or with respect to a measurement date shall be made prior to any draws from the State Naming Rights Fund pursuant to Section 8.6(d) above, except that in the case of the first measurement date, the State shall be entitled to make draws from the State Naming Rights Fund pursuant to Section 8.6(d) above prior to any transfers on such date of amounts in excess of the State Maximum Amount. Notwithstanding the foregoing, at such time as no State Ballpark Project Bonds are outstanding, all amounts in the State Naming Rights Fund shall be transferred to the Ballpark Capital Reserve Fund.

(f) There shall be established a fund to be known as the "City Naming Rights Fund," which shall be held by a Fiduciary. Amounts in the City Naming Rights Fund shall be invested as directed by the Authority following Consultation with the City and the Cardinals.

(g) There shall be deposited into the City Naming Rights Fund as and when received the City Naming Rights Fund Amount.

(h) The City Naming Rights Fund shall be drawn upon by the City to the extent that the cumulative Economic Activity Taxes from the Project (measured initially at the end of the first calendar year which is at least 10 years following the Closing Date and at 5-year intervals thereafter and taking into account any prior payments to the City) are less than the annual cumulative appropriations for the applicable period (that is, from January 1, 2002) made by the City pursuant to Section 6.5.

(i) Not later than 30 days following the end of each calendar year occurring on or after the first measurement date, all amounts in the City Naming Rights Fund in excess of the City Maximum Amount shall be transferred to the Ballpark Capital Reserve Fund. For purposes of this subsection (i): "City Maximum Amount" means (i) \$6,000,000 on and after the first measurement date if the first measurement date is not a Reduction Date, (ii) \$4,200,000 on and after the first Reduction Date, (iii) \$3,000,000 on and after the second Reduction Date and (iv) \$1,800,000 on and after the third Reduction Date thereafter; and "Reduction Date" means any measurement date on which no amounts are withdrawn from the City Naming Rights Fund by the City pursuant to subsection (h) above, except that in the case of the first measurement date, the City shall be entitled to make draws from the City Naming Rights Fund pursuant to Section 8.6(h) above prior to any transfers on such date of amounts in excess of the State Maximum Amount. Any such transfers of amounts in excess of the City Maximum Amount which are made on or with respect to a measurement date shall be made prior to any draws from the City Naming Rights Fund pursuant to Section 8.6(h) above. Notwithstanding the foregoing, at such time as no City Ballpark Project Bonds are outstanding, all amounts in the City Naming Rights Fund shall be transferred to the Ballpark Capital Reserve Fund.

(j) Notwithstanding any other provision of this Section 8.6, if, in the opinion of Bond Counsel, any particular deposit of funds into the State Naming Rights Fund or the City Naming Rights Fund called for by this Section 8.6 would adversely affect the exclusion from gross income for federal income tax purposes of the interest on any Ballpark Project Bonds, then such funds shall instead be deposited in the Ballpark Capital Reserve Fund or, if, in the opinion of Bond Counsel such deposit would also adversely affect such exclusion, be used in such other manner for the benefit of the Ballpark as shall be agreed to by Parties and the Authority.

Section 8.7 City PILOTS. In each calendar year during the Lease Term, and in the calendar year in which the Closing Date occurs, the Cardinals shall pay PILOTS to the Collector of Revenue of the City by December 31st of such year in such amounts as will cause the sum of the ad valorem property taxes levied upon the Project or any interest therein, including the Lease, for such year and such PILOTS to equal \$490,735. The Collector of Revenue for the City of St. Louis shall allocate the revenues received from such PILOTS among all taxing districts within the Project Site which impose ad valorem taxes, on the same pro rata basis and in the same manner as the ad valorem property tax revenues received from the Project Site were allocated in calendar year 2001.

Section 8.8 Certain Future Actions by Cardinals. Throughout the term of this Agreement and the Lease the Cardinals shall:

(a) subject to the exclusive remedies specified in Section 3.6 and Section 12.11, use their best efforts to achieve at least the projected amounts of New State Revenues and Economic Activity Taxes, subject to the exercise of prudent business judgment regarding the operation of their business and Team and the utilization of the Ballpark, including considerations relating to

competitiveness, profitability and economic and market conditions; and

(b) promptly notify the Public Participants of any proposed modification to Major League Baseball Rules and Regulations of which they are aware which, if implemented, would conflict with or would be likely to cause the Cardinals to be in violation of the terms and provisions of this Agreement, the Lease and the Related Agreements.

Section 8.9 Fan Suite. The Ballpark shall contain a luxury suite which is available to the public through a lottery or other fan selection process, as designated by the Authority and set forth in the Lease, which ensures that the public at large has access to such suite for Home Games. No rent, fees or charges of any kind shall apply to the use of such suite.

ARTICLE IX

SALE OF THE TEAM

Section 9.1 Sale of Team. Subject to the provisions of this Article, the Cardinals shall have the right to sell or transfer ownership in whole or in part of the Team during the Term to the extent permitted by Major League Baseball without any Public Participant's or the Authority's consent; provided that (a) in connection with such sale, the new Team owner must concurrently agree in writing, in form and substance reasonably acceptable to the Public Participants and the Authority, to assume the Cardinals' obligations under this Agreement, the Lease and any Related Agreements for the remainder of the Term (unless waived by the Public Participants and the Authority) and (b) the provisions of Section 9.2 shall not apply to the new Team owner. In addition, the Cardinals covenant and agree that the Cardinals shall not transfer, sell or assign the Team in any manner unless such transfer of the Team is approved in accordance with applicable Major League Baseball Rules and Regulations.

Section 9.2 Sharing of Ballpark-Related Profits from Sale.

(a) In the event that there is a Sale in whole or in part of any ownership interest in the Cardinals Ownership Entities, the Cardinals shall cause the Selling Owner(s) to pay to the Public Participants (on a pro rata basis in accordance with their respective contributions to the Ballpark Project Construction Fund) the Ballpark-Related Profits. By way only of example and without limitation, the Ballpark-Related Profits from the Sale of the total ownership interests of the Cardinals Ownership Entities are set forth in Exhibit ____.

(b) Not later than 30 days after the consummation of a Sale, the Cardinals shall furnish to the Public Participants a notice setting forth their determination of the amount, if any, due pursuant to this Section 9.2. If none of the Public Participants object to such determination within 30 days following receipt of such notice, the Cardinals' determination shall be final and binding, and payment of the amount, if any, due shall be made not later than 15 days after the expiration of the latter 30-day period. If any Public Participant objects to such determination, the notice of objection shall specify in reasonable detail the basis for such objection. The objecting Party and the Cardinals shall thereupon seek to resolve such disagreement and, if they are unable to resolve the disagreement within 30 days following the Cardinals' receipt of notice of such objection, then their disagreement shall be settled by arbitration in accordance with Section 13.4 of this Agreement.

(c) For purposes of this Section, the following terms have the meanings set forth below.

"Ballpark-Related Percentage" means the percentage corresponding to the Owners' Total Profits as follows:

Owners' Total Profits Ballpark-Related Percentage

\$0 - \$299,999,999 12%

\$300,000,000 - \$599,999,999 14%

\$600,000,000 or more 16%

"Ballpark-Related Profits" means the greater of (i) the Selling Owner(s)' Pro Rata Share of \$2,500,000, or (ii) the product of (x) the Ballpark-Related Percentage, and (y) the amount by which the gross cash proceeds received by the Selling Owner(s) pursuant to the Sale exceed the Base Amount; provided that (1) the Ballpark-Related Profits shall be reduced by a percentage equal to the product of (A) one-ninth (1/9) and (B) the number of full calendar years following January 1, 2005 after which the applicable Sale occurs, and (2) there shall be no Ballpark-Related Profits if such gross cash proceeds received

by the Selling Owner(s) are less than the Base Amount.

"Base Amount" means the Selling Owner(s)' Pro Rata Share of \$180,000,000 (agreed by the Parties to be the fair market value of the equity of the Cardinals Ownership Entities), including the value of the land underlying the Ballpark; provided that the Base Amount shall be (i) increased by any contribution in cash or other property (excluding the land underlying the Ballpark) by a Selling Owner(s) to the Cardinals Ownership Entities after January 1, 2002, to the extent that it is attributable to the ownership interest subject to the Sale, including, without limitation, any tax payments made by the Selling Owner(s) for any income derived from such ownership interest (excluding the Sale thereof) that are not reimbursed by the Cardinals Ownership Entities, and (ii) decreased by any distribution of cash or other property by the Cardinals Ownership Entities to a Selling Owner(s) after January 1, 2002, to the extent that it is attributable to the ownership interest subject to the Sale, excluding any distributions necessary for the Selling Owner(s) to make tax payments for any income derived from such ownership interest (excluding the Sale thereof).

"Cardinals Ownership Entities" means SLC Holdings, LLC and Gateway Group, Inc. (which entities own all of the equity interests of St. Louis Cardinals, L.P. as of January 1, 2002), and any successors or assigns of such entities (by reorganization or otherwise).

"Owners' Total Profits" means the (i) the excess of the gross cash proceeds received by the Selling Owner(s) pursuant to the Sale over the Base Amount, divided by (ii) the Selling Owner(s)' Pro Rata Share (i.e., the aggregate profits assuming a Sale of the total ownership interests of the Cardinals Ownership Entities).

"Sale" means any sale, transfer or assignment by one or more Selling Owner(s) of any direct or indirect ownership interest in the Cardinals Ownership Entities to a Person(s) that is not an owner or immediate family member of an owner of any direct or indirect ownership interest in the Cardinals Ownership Entities as of January 1, 2002, and which sale, transfer or assignment would be subject to approval by the governing body of Major League Baseball.

"Selling Owner" means an owner of a direct or indirect ownership interest in the Cardinals Ownership Entities as of January 1, 2002 who sells, transfers or assigns all or any part of such interest pursuant to a Sale.

"Selling Owner(s)' Pro Rata Share" means the percentage of the total equity interests of the Cardinals Ownership Entities being sold, transferred or assigned by the Selling Owner(s) pursuant to a Sale.

ARTICLE X

MAINTENANCE AND CAPITAL IMPROVEMENTS

Section 10.1 Maintenance. Subject to the provisions of this Article X, the Cardinals shall at their sole cost and expense: (a) keep and maintain the Ballpark and all equipment, machinery and fixtures located thereon in good, clean, safe and sanitary condition and repair, as a First-class Facility, and undertake all Ballpark Operating Repairs and Maintenance in a good, workmanlike, first-class and prompt manner, using materials and equipment at least substantially equal in quality and class to a First-class Facility; (b) maintain or cause to be maintained all necessary licenses, permits, approvals and authorizations for the operation of the Ballpark; (c) maintain the playing field and all landscaping on the Ballpark Project Site; (d) perform ordinary maintenance required to keep the Ballpark in a neat and orderly condition, free of litter and debris, with grass and shrubbery in trim and with snow and ice removed from walking paths; (e) maintain all portions of the Ballpark in good condition, free of litter and debris, and with all grass and shrubbery in trim; (f) be responsible for snow and ice removal, and for performing ordinary maintenance to preserve the safe condition of all structures and facilities located in or about the Ballpark; and (g) not commit waste or vacate or abandon any part of the Ballpark. All repairs and replacements shall utilize materials or component parts of substantially the same quality as those being repaired or replaced. At the end of the Lease Term, the Cardinals shall surrender the Ballpark in good condition and repair, normal wear and tear excepted. Subject to Section 10.3(c), the repair of any damage by fire or other casualty occurring during the term of the Lease shall be the responsibility of the Cardinals.

Section 10.2 Ballpark Capital Reserve Fund.

(a) At Closing, there shall be established a fund to be known as the "Ballpark Capital Reserve Fund", which shall be held by a Fiduciary. Prior to the end of the first year after Opening, the Cardinals shall deposit \$650,000 into the Ballpark Capital Reserve Fund. Thereafter, during each subsequent year of the Lease, the Cardinals shall deposit not less than \$650,000 into

the Ballpark Capital Reserve Fund; provided that (i) the Cardinals shall be entitled to a credit against such deposits for any other deposits required to be made into such Fund under this Agreement and which have not previously been credited against such required deposits and (ii) no such deposit shall be required at any time that the aggregate amount in such Fund equals or exceeds \$5,000,000. In addition, there shall be deposited into the Ballpark Capital Reserve Fund all amounts which are available to be deposited therein pursuant to Section 8.6. Amounts in the Ballpark Capital Reserve Fund shall be invested as directed by the Authority, in compliance with applicable Laws, and investment earnings on amounts in the Ballpark Capital Reserve Fund shall be deposited in such Fund. Any amounts remaining in the Ballpark Capital Reserve Fund at the end of the Term shall be the property of the Authority and shall be used for the benefit of the Ballpark.

(b) To the extent that funds in the Ballpark Capital Reserve Fund are not sufficient to pay the cost of any Ballpark Capital Repairs and Improvements required by this Agreement, the Cardinals shall pay such costs, subject to Section 10.3(c).

(c) The Cardinals shall have the right to withdraw or cause the withdrawal of funds from the Ballpark Capital Reserve Fund, pursuant to such procedures as the Cardinals, the Authority and the Fiduciary may establish, for the purpose of paying the costs of Ballpark Capital Repairs and Improvements and Extraordinary Capital repairs as provided in Section 10.3(c); provided that amounts in the Ballpark Capital Reserve Fund shall not be used for Ballpark Operating Repairs and Maintenance.

Section 10.3 Ballpark Capital Repairs and Improvements. (a) The Cardinals shall include in each Ballpark Operating Budget submitted to the Authority pursuant to Section 7.10 a list of all Ballpark Capital Repairs and Improvements to be made by the Cardinals (identifying any such Improvements to be paid for from the Ballpark Capital Reserve Fund) during the following calendar year. The Authority shall have the right to Consult with the Cardinals during the 30-day period following the submission of the Ballpark Operating Budget to the Authority. The Cardinals shall be required to obtain the prior approval of the Authority (not to be unreasonably withheld, conditioned or delayed) with respect to any Ballpark Capital Repairs and Improvements (including any alterations, additions or modifications) that (i) affect the structural integrity of the Ballpark or its mechanical, electrical, HVAC, plumbing or other systems, (ii) materially change the seating capacity, the seating bowl or the overall appearance of the exterior design or structure of the Ballpark, (iii) adversely affect the health or safety of the occupants of the Ballpark or (iv) consists of a Ballpark Capital Repair and Improvement or a series of related Ballpark Capital Repairs and Improvements that exceed \$1,000,000 (increased annually by 5% on a compound basis). If the Authority reasonably objects to any such Ballpark Capital Repair and Improvement item and the Cardinals and the Authority are unable to reach agreement as to such items within such 30-day Consultation period, then their disagreement shall be settled in accordance with the arbitration procedures set forth in Section 13.4.

(b) Except as provided in (c) below, the Authority and the Public Participants shall have no obligation to make or pay for any Ballpark Capital Repairs and Improvements during the Term, provided that if the Cardinals fail to make or pay for any Ballpark Capital Repairs and Improvements required hereunder, the Authority shall have the right (but not the obligation) to make or pay for such Improvements, including the right to use funds in the Ballpark Capital Reserve Fund for such purpose.

(c) Any Extraordinary Capital Costs which are not covered by insurance proceeds shall be payable from the following sources in the following order of priority: (1) from the Ballpark Capital Reserve Fund; (2) from the Cardinals' own funds up to \$10,000,000; (3) from the State and City Naming Rights Funds (on a pro rata basis); and (4) on a pro rata basis between the Public Participants and the Cardinals in accordance with their aggregate contributions to the Ballpark Project Construction Fund; provided that if the Parties are unable to fund the balance of any Extraordinary Capital Costs, despite their best efforts to do so, the Cardinals shall have the right to terminate this Agreement, the Lease and any Related Agreements as provided in Section 12.6 hereof.

Section 10.4 Design and Construction Defects. The Cardinals shall be responsible for enforcing all rights which they may have under the Ballpark Project GMP Contract and all subcontracts related thereto and shall pursue against the parties responsible the cost of any repairs required as a result of design or construction defects, whether or not covered by a warranty, to the extent that the Cardinals determine that it is commercially reasonable to do so. The Authority and the Public Participants shall cooperate with the Cardinals in all efforts of the Cardinals to enforce such rights.

Section 10.5 Performance of Ballpark Capital Repairs and Improvements. Subject to the provisions of this Article X, the Cardinals shall be responsible for making and performing all Ballpark Capital Repairs and Improvements. All Ballpark Capital Repairs and Improvements shall be completed (a) in a good, workmanlike, first-class and prompt manner, using materials and equipment at least substantially equal in quality and class to a First-class Facility, (b) by an experienced, reputable contractor selected by the Cardinals after Consultation with the Authority and (c) in compliance with applicable

Law. The Cardinals shall have the exclusive right to select and enter into contracts with any and all contractors, subcontractors, suppliers, vendors, architects, engineers, construction managers, project managers, Consultants or other entities or individuals with respect to the completion of Ballpark Capital Repairs and Improvements, provided that all such contracts shall be entered into on an arms-length basis at commercially reasonable rates and in compliance with applicable Law. The Cardinals and their general partner(s), key employees and Affiliates shall not receive any fees or profits from such contracts. The Cardinals shall use their best efforts to obtain, from each contractor and subcontractor, commercial warranties for all work performed by such contractor or subcontractor. Ballpark Capital Repairs and Improvements must be completed to a standard of quality comparable to that of the original component. In the event that the work completed is unsatisfactory then all available remedies shall be sought against the architect, contractor or subcontractor to the extent that the Cardinals determine, in their sole discretion, that it is commercially reasonable to do so. The Cardinals shall use its best efforts to ensure that the work performed by each contractor and subcontractor with which it contracts is performed in a good and workmanlike manner in accordance with the Ballpark Operating Budget and in compliance with applicable Law.

Section 10.6 Emergency Repairs or Improvements. Notwithstanding any other provision of this Agreement, if the Cardinals shall reasonably determine that the health or safety of persons or property or the ability to play Major League Baseball games in the Ballpark will be jeopardized absent immediate commencement of a Ballpark Capital Repair and Improvement, the Cardinals may make and perform such Improvement without any Consultation or approval by the Authority, provided that the Cardinals shall notify the Authority immediately of the commencement of such Improvement.

Section 10.7 Ballpark Capital Repairs and Improvements Audit. On the fifth anniversary of the Opening Date, and prior to the end of each five-year period thereafter, the Cardinals shall provide to the Authority, if requested by the Authority and at the Authority's expense, a structural and capital component inspection report prepared by a licensed professional engineer, reasonably acceptable to the Authority, having at least 10 years of experience in performing structural and capital component inspections of commercial buildings, including stadia, and otherwise qualified to provide the information required hereunder. Such report shall (a) set forth the opinion of such engineer on the condition of the structure and each capital component of the Ballpark and (b) include the suggestions of such engineer for Capital Repairs and Improvements that are necessary for the Ballpark.

Section 10.8 Title to Ballpark Capital Repairs and Improvements. All Ballpark Capital Repairs and Improvements shall become a part of the Ballpark, shall be the property of the Authority and shall remain upon and be surrendered with the Ballpark at the end of the Lease Term.

ARTICLE XI

INSURANCE

Section 11.1 Property Insurance. In connection with the construction of the Ballpark Project, the Cardinals shall purchase and maintain, from a company or companies lawfully authorized to do business in the City and the State, property insurance written on a builder's risk "all-risk" or equivalent policy form in the amount of the replacement cost of the Ballpark Project. Such property insurance shall be maintained until final payment has been made under the Ballpark Project GMP Contract or until Substantial Completion of the Ballpark Project, whichever is later. This insurance shall include interests of the Parties, the Ballpark Contractor, subcontractors and other Consultants in the Ballpark Project. Property insurance shall be on an "all-risk" or equivalent policy form and shall include, without limitation, insurance against the perils of fire (with extended coverage) and physical loss or damage including, without duplication of coverage, theft, vandalism, malicious mischief, collapse, earthquake, flood, windstorm, falsework, testing and startup, temporary buildings and debris removal including demolition occasioned by enforcement of any applicable legal requirements, and shall cover reasonable compensation for the Ballpark Contractor's and other Consultants' services and expenses required as a result of such insured loss. If the property insurance requires deductibles, the Cardinals shall pay costs not covered because of such deductibles. Such property insurance shall cover portions of the work stored off the site and portions of the work in transit.

Section 11.2 Casualty Insurance.

(a) Upon termination of the policy required by Section 11.1, the Cardinals shall at their sole cost and expense obtain and maintain throughout the remainder of the Lease Term, a policy or policies of insurance to keep the Ballpark constantly insured against loss or damage by fire, lightning, earthquake and all other risks covered by the extended coverage insurance endorsement then in use in the State in an amount equal to the Full Insurable Value thereof (subject to loss deductibles in commercially reasonable amounts). The Full Insurable Value of the Ballpark shall be determined once every three years by

an architect, contractor, appraiser, appraisal company or one of the insurers, to be selected and paid by the Cardinals. The insurance required pursuant to this Section shall be maintained at the Cardinals' sole cost and expense with a generally recognized responsible insurance company or companies authorized to do business in the State. All such policies of insurance pursuant to this Section, and all renewals thereof, shall name the Cardinals, the Public Participants, the Authority and the Trustees as insureds as their respective interests may appear and shall contain a provision that such insurance may not be cancelled by the issuer thereof without at least 30 days' advance written notice to the Cardinals, the Public Participants, the Authority and the Trustees.

(b) In the event of loss or damage to the Ballpark, the Net Proceeds of casualty insurance carried pursuant to this Section shall be paid to a Fiduciary acceptable to the Authority and used by the Cardinals to repair, reconstruct and rebuild the Ballpark using the disbursement procedures used in the disbursement of moneys from the Ballpark Project Construction Fund. Subject to Article X, the Cardinals shall complete such replacement, repair, reconstruction and restoration, whether or not any insurance proceeds received by the Authority or the Cardinals for such purposes are sufficient to pay the same. Any remaining balance not required for such purpose shall be deposited into the Ballpark Capital Reserve Fund.

Section 11.3 Public Liability Insurance.

(a) The Cardinals shall at their sole cost and expense maintain or cause to be maintained at all times during the Lease Term general accident and public liability insurance (including but not limited to coverage for all losses whatsoever arising from the ownership, maintenance, operation or use of any automobile, truck or other motor vehicle), under which the Cardinals, the Public Participants, the Authority and the Trustees shall be named as insureds, properly protecting and indemnifying the Cardinals, the Public Participants, the Authority and the Trustees, in an amount not less than \$2,000,000 for bodily injury (including death) and for property damage in any one occurrence or such greater amount as shall not be subject to sovereign immunity of the Public Participants or the Authority, but in no event greater than \$10,000,000 (subject to loss deductibles in commercially reasonable amounts). The policies providing such insurance shall contain a provision that such insurance may not be cancelled by the issuer thereof without at least 30 days' advance written notice to the Cardinals, the Public Participants, the Authority and the Trustees.

(b) In the event of a public liability occurrence, the Net Proceeds of liability insurance carried pursuant to this Section shall be applied toward the extinguishment or satisfaction of the liability with respect to which such proceeds have been paid.

Section 11.4 Worker's Compensation Insurance. The Cardinals shall maintain or cause to be maintained in connection with the Ballpark, throughout the Lease Term, the worker's compensation coverage required by the laws of the State.

Section 11.5 Blanket Policies of Insurance. The Cardinals may satisfy any of the insurance requirements set forth in this Article by using blanket policies of insurance.

Section 11.6 Insurance Certificates. The Cardinals shall provide to the Authority any necessary certificates of insurance at Closing and thereafter annually certificates of insurance companies evidencing that the insurance requirements of this Article have been satisfied. In addition, the Cardinals shall, if requested by the Authority, provide to the Authority copies of all such insurance policies and evidence of the payment of the premiums thereunder.

Section 11.7 Insurance Consultant Reports. (a) The Cardinals shall keep the Ballpark Project continuously insured against such risks, to the extent generally obtained in accordance with the standards and practices of the industry, and in such amounts, with such deductible provisions as are commercially reasonable in connection with the operation of facilities of the type and size comparable to the Ballpark Project.

(b) Following the Substantial Completion of the Ballpark Project the Cardinals shall cause a review to be conducted at least every year with respect to such insurance by an Insurance Consultant, and shall cause a report of such Insurance Consultant to be delivered to the Authority and the Public Participants within 60 days of the end of each year, which indicates whether the insurance then being maintained by the Cardinals is customary and adequate and in compliance with the requirements set forth in this Article XI. At any time the Cardinals shall determine that any insurance required to be obtained under this Article XI either (i) cannot be obtained upon commercially reasonable terms or (ii) cannot be obtained using the deductibles set forth herein, the Cardinals shall cause to be delivered to the Authority and the Public Participants a report from an

Insurance Consultant confirming the Cardinals determinations and that the increase in deductibles or the decision not to purchase such insurance is consistent with the standards and practices of owners or tenants of other Major League Baseball ballparks in the United States. Upon the filing of such report the Cardinals shall be entitled to increase such deductibles or no longer purchase such insurance, as the case may be, beginning on a date which is 60 days following the delivery of such report.

ARTICLE XII

EVENTS OF DEFAULT AND REMEDIES

Section 12.1 Events of Default by the Cardinals. The term "Event of Default," wherever used in this Agreement, means, with respect to the Cardinals, any one of the following events (whatever the reason for such event and whether it is voluntary or involuntary or effected by operation of Law or pursuant to any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):

(a) default in the payment by the Cardinals of any material amount due under this Agreement when such amount becomes due and payable and continuance of such default for a period of 30 days following receipt by the Cardinals of written notice that such amount was not paid when due; or

(b) default in the performance, or breach, of any material covenant or agreement of the Cardinals in this Agreement (other than a covenant or agreement a default in the performance or breach of which is specifically dealt with elsewhere in this Agreement, including any covenant or agreement under Sections 3.3, 3.4, 5.9, 5.10, 5.12 or 8.1), and continuance of such default or breach for a period of 60 days after there has been given to the Cardinals by any Public Participant or the Authority a written notice specifying such default or breach and requiring it to be remedied; provided that if such default cannot be fully remedied within such 60-day period, but can reasonably be expected to be fully remedied, such default shall not constitute an Event of Default if the Cardinals shall immediately upon receipt of such notice commence the curing of such default and shall thereafter prosecute and complete the same with due diligence and dispatch; or

(c) any representation or warranty made by the Cardinals in this Agreement proves untrue in any material respect as of the date of the issuance or making thereof and shall not be corrected or brought into compliance within 60 days after there has been given to the Cardinals a written notice specifying such default or breach and requiring it to be remedied; provided that if such default cannot be fully remedied within such 60-day period, but can reasonably be expected to be fully remedied, such default shall not constitute an Event of Default if the Cardinals shall immediately upon receipt of such notice commence the curing of such default and shall thereafter prosecute and complete the same with due diligence and dispatch; or

(d) a material default by the Cardinals under the Lease (after taking into account any applicable grace or cure period therein).

Section 12.2 Remedies of Public Participants. Except as otherwise provided herein, and subject to the provisions of Section 12.6, upon the occurrence and continuance of any Event of Default with respect to the Cardinals under this Agreement, unless the same is waived as provided in this Agreement, the Public Participants shall have the following rights and remedies, in addition to any other rights and remedies provided under this Agreement or by Law:

(a) The Public Participants may pursue any available remedy at Law or in equity by suit, action, mandamus or other proceeding to enforce the payment of the amounts due under this Agreement and the Lease, to realize on any of the Public Participants' interests in the Project under this Agreement and the Lease, to enforce and compel the performance of the duties and obligations of the Cardinals as set forth in this Agreement and the Lease and to enforce or preserve any other rights or interests of the Public Participants under this Agreement and the Lease with respect to the Project or otherwise existing at Law or in equity.

(b) The Public Participants may terminate all (but not less than all) of this Agreement, the Lease and the Related Agreements (including the Cardinals right of possession of the Ballpark), and may re-enter and take possession of the Ballpark. In such event, this Agreement, the Lease and the Related Agreements and the term and estate granted hereby and thereby shall terminate.

(c) The Public Participants shall be entitled to collect from the Cardinals, and the Cardinals shall be liable for, any damages which may be due or sustained by the Public Participants or the Authority prior to or as a result of such Event of Default,

together with all costs, fees and expenses (including reasonable attorneys' fees, brokerage fees and expenses incurred in placing the Ballpark in rentable condition) incurred by any Public Participant in pursuing any remedies under this Article XII.

(d) Upon the filing of a suit or other commencement of judicial proceedings to enforce the rights of the Public Participants under this Agreement, the Public Participants shall be entitled as a matter of right to the appointment of a receiver or receivers of any money or other property receivable or collectible by the Public Participants or the Authority under this Agreement and the Lease, pending such proceedings, with such powers as the court making such appointment shall confer.

Section 12.3 Certain Equitable or Liquidated Damages.

(a) The Parties acknowledge and agree that (i) the Ballpark Project is being constructed, and the Ballpark Project Bonds are being issued, to enable the Cardinals and the Team to remain in the City and to enable the Team to play its Home Games in the Ballpark and (ii) Section 8.1 of this Agreement is intended to ensure, among other things, that the Cardinals will not relocate the Team.

(b) The Parties acknowledge and agree that (i) particular and highly unique circumstances have given rise to this Agreement, (ii) the Public Participants and the Authority will be immediately, uniquely and irreparably harmed by any violation by the Cardinals of Section 8.1 of this Agreement, (iii) monetary damages could not be calculated to compensate the Public Participants and the Authority for any breach by the Cardinals of Section 8.1 of this Agreement and (iv) the Public Participants and the Authority do not have an adequate remedy at law for the breach by the Cardinals of Section 8.1 of this Agreement.

(c) The Parties acknowledge and agree that the economic, financial, civic and social benefits to the Public Participants and the Authority from the presence of the Cardinals and the Team and the playing by the Team of its Home Games in the City are great, but that the precise value of those benefits is difficult to quantify due to the number of citizens and businesses that rely upon and benefit from the presence of the Cardinals and the Team in the City. Accordingly, the magnitude of the damages that would result from the loss of those benefits due to a violation by the Cardinals of Section 8.1 of this Agreement would be significant in size but difficult to quantify.

(d) The Parties agree that in the event of a material default, violation or breach, or threatened material default, violation or breach, by the Cardinals of any provision of Section 8.1, the sole and exclusive remedy of the Public Participants shall be any one, but not both, of the remedies specified in (i) and (ii) below:

(i) the Public Participants may, without the necessity of posting any bond or other security and without any further showing of irreparable harm, balance of harms, consideration of the public interest or inadequacy of money damages, be entitled to seek and obtain an injunction, specific performance or any other preliminary or permanent equitable relief from any court of competent jurisdiction to prevent such violation or breach, and the Cardinals agree and stipulate that the rights of the Public Participants to equitable relief pursuant to this Section 12.3 shall not constitute a "claim" pursuant to Section 101(5) of the United States Bankruptcy Code and shall not be subject to discharge or restraint of any nature in any bankruptcy proceeding involving the Cardinals; or

(ii) the Public Participants shall be entitled to terminate this Agreement, the Lease and the Related Agreements and receive, and the Cardinals shall pay, liquidated damages in the applicable amount ("Liquidated Damages Amount"), determined as follows based upon the year of the Lease Term in which the violation or breach of Section 8.1 occurs: during the first year of the Lease Term, the Liquidated Damages Amount shall be equal to the actual proceeds of Ballpark Project Bonds deposited into the Ballpark Project Construction Fund hereunder ("Initial Liquidated Damages Amount"), and, on the first day of each year during the Lease Term thereafter, the Liquidated Damages Amount shall be reduced by 1/35 of the Initial Liquidated Damages Amount. The Parties acknowledge that they have negotiated the above amounts in an attempt to make a good faith effort to quantify the amount of damages that would result from a violation of Section 8.1 despite the difficulty in making such determination. Accordingly, in the event the Public Participants, the Authority or any other Person shall collect the above-described liquidated damages, then the Public Participants, the Authority and any such other Person shall not have, and hereby waive, the right to collect additional monetary or any other damages for breach of Section 8.1, whether for lost or prospective profits, or for special, indirect, incidental, consequential, exemplary or punitive damages, or for any other loss or consequence.

Section 12.4 Events of Default by Public Participants. The term "Event of Default," wherever used in this Agreement,

means, with respect to the Public Participants, any one of the following events (whatever the reason for such event and whether it is voluntary or involuntary or effected by operation of law or pursuant to any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):

(a) default in the payment by any Public Participant of any material amount due under this Agreement when such amount becomes due and payable and continuance of such default for a period of 30 days following receipt by such Public Participant of written notice that such amount was not paid when due; or

(b) default in the performance, or breach, of any material covenant or agreement of any Public Participant in this Agreement (other than a covenant or agreement a default the performance or breach of which is specifically dealt with elsewhere in this Agreement) and continuance of such default or breach for a period of 60 days after there has been given to such Public Participant by the Cardinals a written notice specifying such default or breach and requiring it to be remedied; provided that if such default cannot be fully remedied within such 60-day period, but can reasonably be expected to be fully remedied, such default shall not constitute an Event of Default if such Public Participant shall immediately upon receipt of such notice commence the curing of such default and shall thereafter prosecute and complete the same with due diligence and dispatch; or

(c) any representation or warranty made by any Public Participant in this Agreement proves untrue in any material respect as of the date of the issuance or making thereof and shall not be corrected or brought into compliance with 60 days after there has been given to such Public Participant a written notice specifying such default or breach and requiring it to be remedied; provided that if such default cannot be fully remedied within such 60-day period, but can reasonably be expected to be fully remedied, such default shall not constitute an Event of Default if such Public Participant shall immediately upon receipt of such notice commence the curing of such default and shall thereafter prosecute and complete the same with due diligence and dispatch; or

(d) a material default by any Public Participant or the Authority under the Lease (after taking into account any applicable grace or cure period therein); or

(e) any Public Participant or the Authority shall interfere with the use, possession and enjoyment of the Ballpark by the Cardinals and the Team as permitted by this Agreement and the Lease.

Section 12.5 Remedies of the Cardinals. Subject to the provisions of Section 12.6, upon the occurrence and continuance of any Event of Default with respect to any Public Participant under this Agreement (unless the same is waived as provided in this Agreement), or if a tax or assessment of any kind specified in Section 7.12(b) is levied against or passed through to the Cardinals or any Affiliate of the Cardinals, the Cardinals shall have the following rights and remedies, in addition to any other rights and remedies provided under this Agreement or by Law:

(a) The Cardinals may pursue any available remedy at Law or in equity by suit, action, mandamus or other proceeding to enforce the payment of any amounts due under this Agreement and the Lease, to realize on any of the Cardinals' interests in the Project under this Agreement and the Lease, to enforce and compel the performance of the duties and obligations of the Public Participants as set forth in this Agreement and the Lease and to enforce or preserve any other rights or interests of the Cardinals under this Agreement and the Lease with respect to the Project or otherwise existing at Law or in equity.

(b) The Cardinals may take such action at Law or in equity as may be necessary or appropriate to preserve and ensure the Cardinals' use, possession and enjoyment of the Ballpark in accordance with this Agreement and the Lease.

(c) The Cardinals shall have the right to terminate this Agreement and the Lease (and the Related Agreements, if applicable), to cease making payments hereunder and thereunder and to vacate the Ballpark, or to take any one or more of the foregoing actions.

(d) The Cardinals shall be entitled to collect from the Public Participants, and the Public Participants shall be liable for, any damages which may be due or sustained by the Cardinals prior to or as a result of such Event of Default, together with all costs, fees and expenses incurred by the Cardinals in pursuing any remedies under this Article XII.

(e) The Cardinals shall be entitled to offset the amount of any such tax or assessment, dollar for dollar, against any and all amounts payable hereunder to a Public Participant levying a tax or assessment specified in Section 7.12(b) (including, without limitation, against the corresponding amounts payable under Sections 3.6, 8.7 and 12.3(d)) and against the taxes

referred to in Section 13.2(b); provided that the Cardinals shall be entitled to such offset only against such amounts payable to the Public Participant levying such tax or assessment.

Section 12.6 Limited Termination Rights.

(a) Notwithstanding anything to the contrary herein, the Cardinals shall not have any right to terminate this Agreement or the Lease (or Related Agreements, if applicable) following the Closing Date unless (i) any Public Participant or the Authority has taken any action under this Agreement or the Lease (or Related Agreements, if applicable) which materially interferes with the Cardinals' rights of possession and use of the Ballpark pursuant to this Agreement or the Lease or (ii) the Parties shall have failed to fund their share of Extraordinary Capital Costs pursuant to Section 10.3. Any dispute as to whether a Public Participant or the Authority has interfered with the Cardinals' right of possession and use of the Ballpark pursuant to this Agreement or the Lease shall be submitted for judicial determination in St. Louis County, Missouri. If the court finds that (x) a Public Participant or the Authority has interfered with such rights, and (y) the nature and magnitude of such interference is of such extent that termination of this Agreement and the Lease (and, if applicable, any Related Agreements) is an appropriate and just remedy for the Cardinals, and the interfering Party thereafter fails to cease such interference within 30 days after the court's decision, then the Cardinals shall have the right to terminate this Agreement and the Lease; provided, however, that such termination shall not be allowed so long as the Public Participant or the Authority has promptly commenced a cure for such material interference, diligently proceeds in a reasonable manner to complete the same thereafter, and effectuates such cure as soon reasonably practicable. If the court does not find material interference, then the Cardinals shall have no right to terminate this Agreement or the Lease; however, such determination shall not affect the Cardinals' other rights or remedies under this Agreement.

(b) Notwithstanding anything to the contrary herein, in the event of a dispute between any of the Parties as to whether an Event of Default by the Cardinals has occurred or has been cured under this Agreement or the Lease, including as to the materiality of any representation, warranty or covenant made by the Cardinals hereunder or under the Lease, the Parties agree that, prior to the Public Participants' exercising any right to terminate this Agreement or the Lease (or Related Agreements, if applicable), such dispute shall be submitted to judicial determination in St. Louis County, Missouri. If the court finds that (i) there is an uncured Event of Default on the part of the Cardinals and (ii) the nature and magnitude of the Event of Default is of such extent that termination of this Agreement and the Lease (and, if applicable, any Related Agreements) is an appropriate and just remedy, and the Cardinals thereafter fail to cure such Event of Default within 30 days after the court's decision, then an Event of Default shall be deemed to have occurred and the Public Participants or the Authority (as the case may be) shall have the right to terminate this Agreement and the Lease; provided, however, that such termination shall not be allowed so long as the Cardinals have promptly commenced a cure for such Event of Default, diligently proceed in a reasonable manner to complete the same thereafter, and effectuate such cure as soon reasonably practicable. If the court does not find an uncured Event of Default, then there shall be no right of the Public Participants or the Authority to terminate this Agreement or the Lease; however, such determination shall not affect the Parties' other rights or remedies under this Agreement.

Section 12.7 Default Rate. If any party shall fail to make any payment of any amount payable under this Agreement or the Lease on the date due, which failure shall continue for 30 days after notice of such failure, then such payment shall bear interest thereafter at the Default Rate.

Section 12.8 Rights and Remedies Cumulative. No right or remedy herein conferred upon or reserved to any Party is intended to be exclusive of any other right or remedy, and every right and remedy shall, to the extent permitted by Law, be cumulative and in addition to every other right and remedy given hereunder or now or hereafter existing at law or in equity or otherwise. The assertion or employment of any right or remedy hereunder, or otherwise, shall not prevent the concurrent assertion or employment of any other appropriate right or remedy. No delay or omission of any Party to exercise any right or remedy accruing upon an Event of Default shall impair any such right or remedy or constitute a waiver of any such Event of Default or an acquiescence therein. Every right and remedy given by this Article or by Law may be exercised from time to time, and as often as may be deemed expedient.

Section 12.9 Waiver of Past Defaults. Before any judgment or decree for payment of money due has been obtained by any Party as provided in this Article XII, the non-defaulting Parties may, by written notice delivered to the other Party or Parties, waive any past default hereunder and its consequence. Upon any such waiver, such default shall cease to exist, and any Event of Default arising therefrom shall be deemed to have been cured, for every purpose of this Agreement, but no such waiver shall extend to or affect any subsequent or other default or impair any right or remedy consequent thereon.

Section 12.10 Consolidation of Actions. The Parties agree that any lawsuits, arbitrations, claims or other legal proceedings relating to substantially the same subject matter under this Agreement shall be consolidated into a single proceeding to the fullest extent permitted by applicable Law, except to the extent that such consolidation would materially impair the rights, claims or defenses of any Party.

Section 12.11 Certain Limitations. Notwithstanding any other provision of this Agreement

(a) The Parties agree that the sole and exclusive remedies for failure to comply with the provisions of this Agreement with respect to the commencement or completion of the Ballpark Village Project, including with respect to any generation of New State Revenues or Economic Activity Taxes therefrom, as referred to in Section 2.2(k) and Section 8.8(a) herein or in any other provision of this Agreement, are set forth in Section 3.6(c) and Section 3.6(d).

(b) The sole remedies for a breach or violation by the Cardinals of any provision of Section 3.2 shall be as set forth in the Lease and the Redevelopment Contract.

ARTICLE XIII

MISCELLANEOUS PROVISIONS

Section 13.1 Term of Agreement.

(a) The term of this Agreement (the "Term") shall commence, and this Agreement shall become effective (notwithstanding the date hereof), on the Effective Date of this Agreement, and shall terminate on the first to occur of:

(i) the first date following the Closing Date on which no Ballpark Project Bonds are outstanding and the Lease is not in effect; or

(ii) the date on which this Agreement is terminated by one of the Parties in accordance with (b) below; or

(iii) the date on which this Agreement is terminated in accordance with Section 12.2 or Section 12.5; or

(iv) the date on which this Agreement is terminated by the Cardinals pursuant to Section 5.4, 6.11 or 10.3.

(b) This Agreement may be terminated by any Party at any time prior to the Closing Date or, in the case of (iii) below, the Bond Offering Commitment Date, by written notice to the other Parties in the event that, as a result of unforeseen circumstances, financial market or economic conditions, unanticipated costs, threatened or pending legal proceedings or any other occurrence or circumstance, in the reasonable judgment of such Party:

(i) there is a significant risk that any material provision of this Agreement is or may be unconstitutional or unlawful or impossible of performance, as evidenced by an opinion of counsel addressed to all of the Parties;

(ii) the aggregate amount of Ballpark Project Bonds issuable in accordance with this Agreement is less than \$205,000,000 plus all Costs of Issuance;

(iii) the Ballpark Project Costs are expected to be substantially in excess of the amount contemplated by this Agreement (or cannot be confidently estimated) or the amount to be deposited by the Cardinals in the Ballpark Construction Fund is expected to be in excess of \$108,500,000; or

(iv) the acquisition, construction, equipping and improvement of the Project has for any reason become financially or economically infeasible.

Section 13.2 Certain Taxes.

(a) The Public Participants acknowledge and agree that the taxes paid and to be paid by the Cardinals have a substantial impact on the operations of the Cardinals, are a significant element of the feasibility of the Project and will be an essential part of the consideration to the Cardinals under this Agreement, the Lease and any Related Agreements.

(b) Subject to applicable Law, the City agrees that it will initiate legislation to reduce the rate of the entertainment license

tax levied and collected by the City pursuant to Chapter 8.08 of the City Code (which is presently collected at the rate of 5% on the cost of admission) to the rate of 1.5% with respect to the total gross receipts admissions charges collected at the Ballpark in any year in excess of \$85,000,000. In the event that such legislation is enacted, the Cardinals will thereafter be responsible for all such entertainment license taxes levied in respect of the Ballpark in accordance with the provisions of such legislation.

(c) The Public Participants covenant and agree, to the extent within their power and permitted by applicable Law, not to initiate any legislation, rule or regulation which would levy a non-uniform or disproportionate tax against the Cardinals, the Ballpark or the Ballpark Project Site in relation to the general public or other businesses after the date of this Agreement.

Section 13.3 Tax Covenants. The Parties represent and agree that it is their intention, to the fullest extent possible, that the interest on the Ballpark Project Bonds shall be excluded from gross income for federal income tax purposes. To that end, the Parties agree that this Agreement shall be construed and applied to the fullest extent possible not to require any action or cause any event that would adversely affect such exclusion. The Parties further agree that they will use their best efforts to amend this Agreement, the Lease and the Related Agreements, consistent with the economic terms hereof, in such manner as may be necessary to establish or maintain the exclusion of the interest on the Ballpark Project Bonds from gross income for federal income tax purposes. In furtherance and without limitation of the foregoing, each of the Parties agrees that it will, and will use its best to cause the Authority (or the applicable issuer of any bonds) to: (a) comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Ballpark Project Bonds, (b) not use or permit the use of any proceeds of any Ballpark Project Bonds or any other funds, or take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Ballpark Project Bonds, (c) adopt such ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Ballpark Project Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by it, (d) use the proceeds of the Ballpark Project Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Ballpark Project Bonds are issued, (e) not invest or directly or indirectly use or permit the use of any proceeds of the Ballpark Project Bonds or any other funds in any manner, or take or omit to take any action, that would cause the Ballpark Project Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code, (f) pay or cause the payment from time to time of all rebate amounts required to be paid to the United States pursuant to Section 148(f) of the Code and any Treasury Regulations applicable to the Ballpark Project Bonds from time to time and (g) not use or allow the use of any portion of the proceeds of the Ballpark Project Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Ballpark Project Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code.

Section 13.4 Arbitration. All disputes, disagreements, controversies or claims which under the specific terms of this Agreement the Parties have agreed to submit to arbitration shall be exclusively and finally settled by binding arbitration conducted before three arbitrators in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment on the award rendered by the arbitrators may be entered in any court having jurisdiction thereof. In any arbitration, the parties shall be entitled to conduct discovery in accordance with the applicable rules of the Federal Rules of Civil Procedure, with such modifications thereto as may be mutually agreeable to the parties unless the arbitrators appointed to hear the case rule that discovery should be limited in light of the particular dispute. In the event the parties are unable to agree on the three arbitrators, the parties shall select the three arbitrators by striking alternatively (the first to strike being chosen by lot) from a list of 13 arbitrators designated by the American Arbitration Association. Each of the parties to the arbitration shall bear the cost of the arbitration (including reasonable attorneys' fees) on such basis as the arbitrators of the matter shall determine. The arbitrators shall be further authorized to take whatever interim or temporary measures deemed necessary, including injunctive relief and measures for the protection or conservation of property. Such interim relief may take the form of an interim award, and the arbitrators may require security for the costs of such measures.

Section 13.5 The Act. The enactment and effectiveness of the Act is required in connection with this Agreement and the issuance of the Ballpark Project Bonds. The Parties agree to use their absolute best efforts to obtain passage by the General Assembly and signature thereafter by the Governor of the Act at the earliest possible time.

Section 13.6 Assignment. Except as provided herein, none of the Parties shall assign or transfer their rights or obligations under this Agreement, the Lease or the Related Agreements without the written consent of the other Parties, which consent shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, the Cardinals may, without the

necessity of obtaining the consent of the other Parties, assign any or all of its rights under this Agreement, the Lease and the Related Agreements to a person, firm, corporation or entity which acquires the Team pursuant to a Sale and in accordance with applicable Major League Baseball Rules and Regulations, provided that (a) the assignee assumes all of the obligations of the Cardinals pursuant to this Agreement, the Lease and the Related Agreements and to be bound by all of the terms, conditions and provisions thereof pursuant to an instrument of assignment in form and substance reasonably acceptable to the Authority and the Public Participants and (b) if the assignment involves the transfer of more than 50% of the Cardinals ownership and is prior to the Final Completion of the Ballpark Project, the Cardinals shall continue to be liable for their obligations under Section 5.3(a)(ii) unless the Public Participants shall be reasonably satisfied with the financial condition of the assignee. The Cardinals may, without the necessity of obtaining the consent of the other Parties, assign any or all of their rights under this Agreement, the Lease and the Related Agreements to (a) an Affiliate or (b) a third party entity for the sole purpose of the Cardinals (or an Affiliate of the Cardinals) entering into a lease or similar financing arrangement with such third party entity, provided that the Cardinals remain liable for the obligations of the Cardinals hereunder, and any such assignee shall agree to be bound by the provisions of this Agreement, jointly and severally with the Cardinals, in a written instrument executed by such assignee and delivered to the Parties.

Section 13.7 Performance by Affiliates. The Cardinals shall have the right to perform or cause the performance of any of their obligations under this Agreement, including to enter into any contracts and execute any documents required hereby, by or through an Affiliate, and so doing shall not limit or reduce the liability of the Cardinals to the other Parties under this Agreement.

Section 13.8 Notices. All notices, certificates or other communications required or desired to be given hereunder shall be in writing and shall be deemed duly given when mailed by registered or certified mail, postage prepaid, or overnight delivery service addressed as follows:

(a) To the Public Participants:

State of Missouri

Office of Administration

State Capitol

Jefferson City, Missouri 65101

Attention: Commissioner of Administration

State of Missouri

Department of Economic Development

301 West High Street, Room 680

Jefferson City, Missouri 65101

Attention: Director of Economic Development

The City of St. Louis, Missouri

1200 Market Street

St. Louis, Missouri 63103

Attention: Mayor, Room 200

Comptroller, Room 212

St. Louis County, Missouri

St. Louis County Government Center

41 South Central

St. Louis, Missouri 63105

Attention: County Counselor

(b) To the Cardinals:

St. Louis Cardinals

Busch Stadium

250 Stadium Plaza

St. Louis, Missouri 63102

Attention: President

(c) To the Authority:

St. Louis Sports Center Redevelopment Authority

A duplicate copy of each notice, certificate or other communication given hereunder by any Party shall also be given to each of the other Parties and to the Trustees under the Indentures at the addresses specified therein. The Parties and such Trustees may from time to time designate, by notice given hereunder to the Parties, another address to which subsequent notices, certificates or other communications shall be sent.

Section 13.9 No Pecuniary Liability. No provision, covenant or agreement contained in this Agreement, the Lease, the Indentures, the Ballpark Project Bonds or any Related Agreement, or any obligation herein or therein imposed upon the Authority or the Public Participants, or the breach thereof, shall constitute or give rise to or impose upon the Authority or the Public Participants a pecuniary liability or a charge upon the general credit or taxing powers of the Authority or of the Public Participants.

Section 13.10 No Power to Bind. No provision, covenant or agreement contained in this Agreement, the Lease, the Indentures, the Ballpark Project Bonds or any Related Agreement shall give the Cardinals the power to bind the Public Participants or the Authority, except as may be specifically approved in writing in advance by the Public Participants or the Authority.

Section 13.11 Performance by the State Prior to Creation of Authority. To the extent permitted by applicable Law, and except as provided in Section 4.3(g), the State, in consultation with the City and the County, shall perform the obligations of the Authority under this Agreement until such time as the Authority is created and operating.

Section 13.12 Termination of Memorandum of Understanding. Upon the execution of this Agreement by all Parties, the Memorandum of Understanding for New Cardinals Stadium and Ballpark Village dated June 19, 2001, by and among the State, the City, the County and the Cardinals, shall be null and void and of no force and effect.

Section 13.13 Governing Law. This Agreement shall be construed in accordance with and governed by the Law of the State.

Section 13.14 Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns.

Section 13.15 Severability. If for any reason any provision of this Agreement shall be determined to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

Section 13.16 Execution in Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original and all of which shall constitute one and the same instrument.

Section 13.17 Exculpation. No Commissioner of the Authority, no public official and no officer or employee of the Authority or of any Public Participant shall have any personal liability for payment of any claim or for the performance of any duty, obligation or undertaking arising under this Agreement.

Section 13.18 Nondiscrimination. The Cardinals agree that, as an independent covenant running with the Project Site forever, to the extent within the Cardinals' control, there shall be no discrimination upon the basis of race, creed, color, national origin, sex, age, marital status, physical handicap or sexual orientation in the sale, lease, rental, occupancy or use of any of the facilities under the Cardinals' control in the Project Area or any portion thereof and said covenant may be enforced by the Public Participants, the Authority or the United States of America or any of their respective agencies. The Cardinals further agree that a provision containing the covenants in this paragraph shall be included in all agreements pertaining to the lease or conveyance or transfer (by any means) of all or a portion of the Project Site.

Section 13.19 Cooperation. The Parties shall lend friendly assistance and use all reasonable efforts to cooperate in the performance of their responsibilities under this Agreement.

Section 13.20 Sovereign Immunity. Except to the extent specifically waived by the Public Participants or the Authority in this Agreement or the Lease or in any Related Agreement and except to the extent such rights have been waived pursuant to applicable Law or otherwise as a consequence of the execution of this Agreement, nothing contained in this Agreement or the Lease shall be in any manner whatsoever construed as a waiver of rights of sovereign immunity possessed by the Public Participants or the Authority as instrumentalities of the State.

THIS AGREEMENT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in their respective names and caused their respective seals to be affixed thereto, and attested as to the date first above written.

THE CITY OF ST. LOUIS, MISSOURI

By:_____

Francis G. Slay, Mayor

By:_____

Darlene Green, Comptroller

Approved as to form:

Patricia A. Hageman, City Counselor

Attest:

Parrie May, City Register

ST. LOUIS COUNTY, MISSOURI

By:_____

Buzz Westfall, County Executive

Approved as to form:

Patricia Redington, County Counselor

Attest:

Jeannette O. Hook, County Clerk

STATE OF MISSOURI

By:_____

Jacquelyn D. White, Commissioner of Administration

By:_____

Joseph L. Driskill, Director of Economic Development

Approved as to form:

Jeremiah W. Nixon, Attorney General

ST. LOUIS CARDINALS, L.P.

By:_____

Name:_____

Title: _____ **EXHIBIT** ____

BALLPARK VILLAGE PROJECT

The Ballpark Village Project shall consist of one or more of the following facilities, or other facilities of comparable size, use and scope, as finally approved in the Redevelopment Contracts relating to the Ballpark Village Project based on existing market conditions and development criteria: residential units, offices, museums, entertainment venues, retail stores, parking, open air plaza and restaurants. Subject to the foregoing, the Ballpark Village Project is presently planned to include:

1. 1,850 parking spaces
2. 400 residential units
3. 470,000 square feet of office space
4. 110,000 square feet of street level, commercial/retail space (ie., restaurant, bookstore, bank branch food mart, daycare, etc.)
5. 16,000 square foot Cardinals Museum
6. 94,000 square foot entertainment attraction (e.g., aquarium)

EXHIBIT ____

RENT

Rent shall include:

1. The net future value as of the last day of each calendar year of the Lease Term of the payment (\$108,500,000) to be made by the Cardinals pursuant to Section 6.3.
2. The net future value as of the last day of each calendar year of the Lease Term of the payment (\$6,250,000) to be made by the Cardinals pursuant to Section 6.11.
3. The net future value as of the last day of each calendar year of the Lease Term of the value (estimated to be \$20,000,000) of the Ballpark Project Site to be contributed by the Cardinals pursuant to Section 4.6.
4. Amounts payable by the Cardinals for taxes and maintenance and repairs and capital improvements on or with respect to the Project or the Project Site and activities therein and thereon.
5. All of the Authority's operating costs, including the cost of performing its obligations under this Agreement, up to a maximum amount of \$100,000 in any calendar year.
6. Any amounts or property payable or transferable by the Cardinals under Section 3.6 or Section 8.7 of this Agreement.
7. The amounts, if any, deposited by the Cardinals in the State Naming Rights Fund or the City Naming Rights Fund pursuant to this Agreement.
8. Such other amounts as may be agreed to by the Cardinals and the Authority and set forth in the Lease.

For purposes of the foregoing, net future value as of any determination date of any payment means the future value (computed at the rate of 8%) of such payment on such date less the future value of such payment on the preceding determination date or, in the case of the first such determination, on the original payment date.

EXHIBIT ____

TRANSPORTATION INFRASTRUCTURE PROJECT

The Transportation Infrastructure Project shall consist of substantially the following facilities:

1. Demolition of existing 8th Street on ramp.
2. Construction of new eastbound access ramp, to include any required street closings, street modifications and property transfers to accommodate construction of the new ramp.
3. Relocation and realignment of 7th and 8th Streets from Walnut Street to a point of connection with 7th Street south of I-40. Includes demolition of old streets and constructions of new portions of streets, sidewalks and curbs. Includes storm sewers for reconstructed streets.
4. Construction of Clark Street between 7th Street and Broadway.
5. Abandonment of Spruce Street.
6. Abandonment of Poplar Street.
7. Modifications to the Eastern Metrolink ramps and construction of a portion of 8th Street above the Metrolink ramps.
- 8 Modifications to existing 7th Street South of I-40 to enable tie-in to new 7th/8th Streets.
- 9 Traffic controls and signals.
- 10 New curbs and sidewalks - partial.
11. New street lighting.
12. Special pavements.

EXHIBIT ____

Ballpark Village Phase I Liquidated Damages

<u>Year</u>	
2009	\$ 500,000
2010	\$ 1,000,000
2011	\$ 1,500,000
2012	\$ 1,750,000
2013	\$ 1,750,000
2014	\$ 1,750,000
2015	\$ 1,750,000
2016	\$ 3,000,000
2017	\$ 3,000,000
2018	\$ 3,000,000
2019	\$ 3,000,000
2020	\$ 3,000,000
2021	\$ 4,000,000
2022	\$ 4,000,000
2023	\$ 4,000,000
2024	\$ 4,000,000
2025	\$ 4,000,000

2026	\$ 5,000,000
2027	\$ 5,000,000
2028	\$ 5,000,000
2029	\$ 5,000,000
2030	\$ 5,000,000
2031	\$ 6,000,000
2032	\$ 6,000,000
2033	\$ 6,000,000
2034	\$ 6,000,000
2034	\$ 6,000,000
Total	\$100,000,000

EXHIBIT ____

PERMITTED ENCUMBRANCES

"Permitted Encumbrances" means, with respect to the Project Site or any portion thereof as of any particular time, the following:

- (a) liens for taxes, assessments, and other governmental charges which are not delinquent, or which if delinquent are being contested in good faith by appropriate proceedings and as to which the Cardinals have established adequate reserves with respect thereto (which reserves, if such property is owned by, or being transferred to, the Authority shall be held by a Fiduciary for the benefit of the Authority pending the outcome thereof);
- (b) mechanic's, laborer's, materialman's, supplier's or vendor's liens not filed of record and similar charges which are not delinquent, or which if filed of record are being contested in good faith and have not proceeded to judgment and as to which the Cardinals shall have established adequate reserves with respect thereto (which reserves, if such property is owned by, or being transferred to, the Authority shall be held by a Fiduciary for the benefit of the Authority pending the outcome thereof);
- (c) liens in respect of judgments or awards with respect to which the Cardinals are in good faith currently prosecuting an appeal or proceedings for review, and with respect to which the Cardinals shall have secured a stay of execution pending such appeal or proceedings for review, provided the Cardinals shall have established adequate reserves with respect thereto (which reserves, if such property is owned by, or being transferred to, the Authority shall be held by a Fiduciary for the benefit of the Authority pending the outcome thereof);
- (d) utility, access and other easements and rights-of-way, restrictions, encumbrances and exceptions that do not materially affect the marketability of title to such property and do not in the aggregate materially impair the use of such property for the purposes contemplated by the Redevelopment Plan;
- (e) such minor defects and irregularities of title as normally exist with respect to property similar in character to the property affected thereby and which do not materially affect the marketability of title to or value of such property and do not materially impair the use of such property for the purposes contemplated by the Redevelopment Plan;
- (f) zoning laws, ordinances or regulations and similar restrictions that are not violated by the property affected thereby;
- (g) all right, title and interest of the State, municipalities and the public in and to tunnels, bridges and passageways over, under or upon a public way;
- (h) rights reserved to, or vested in, any municipality or governmental or other public authority by virtue of any franchise, license, contract or statute to control or regulate any property, or to use such property in any manner, or to purchase, or designate a purchaser of or order the sale of, any property upon payment of cash or reasonable compensation therefor, or to terminate any franchise, license or other rights;
- (i) liens, including any lease under which the Cardinals are lessor or lessee, incurred in connection with the financing by the Cardinals' of the portion of the Ballpark Project Costs which is to be paid or funded by the Cardinals, provided that any such lien or lease is subject and subordinate to the rights of the Authority and the Public Participants under this Agreement; and

(j) any other liens on property expressly permitted by this Agreement or approved in writing by the Public Participants.

Exhibit _____

Ballpark-Related Profits from Sale*

Owners'												
<u>Total Profits</u>	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
0	2.50	2.50	2.50	2.50	2.22	1.94	1.67	1.39	1.11	0.83	0.56	0.28
50	6.00	6.00	6.00	6.00	5.33	4.67	4.00	3.33	2.67	2.00	1.33	0.67
100	12.00	12.00	12.00	12.00	10.67	9.33	8.00	6.67	5.33	4.00	2.67	1.33
150	18.00	18.00	18.00	18.00	16.00	14.00	12.00	10.00	8.00	6.00	4.00	2.00
200	24.00	24.00	24.00	24.00	21.33	18.67	16.00	13.33	10.67	8.00	5.33	2.67
250	30.00	30.00	30.00	30.00	26.67	23.33	20.00	16.67	13.33	10.00	6.67	3.33
300	42.00	42.00	42.00	42.00	37.33	32.67	28.00	23.33	18.67	14.00	9.33	4.67
350	49.00	49.00	49.00	49.00	43.56	38.11	32.67	27.22	21.78	16.33	10.89	5.44
400	56.00	56.00	56.00	56.00	49.78	43.56	37.33	31.11	24.89	18.67	12.44	6.22
450	63.00	63.00	63.00	63.00	56.00	49.00	42.00	35.00	28.00	21.00	14.00	7.00
500	70.00	70.00	70.00	70.00	62.22	54.44	46.67	38.89	31.11	23.33	15.56	7.78
550	77.00	77.00	77.00	77.00	68.44	59.89	51.33	42.78	34.22	25.67	17.11	8.56
600	96.00	96.00	96.00	96.00	85.33	74.67	64.00	53.33	42.67	32.00	21.33	10.67
650	104.00	104.00	104.00	104.00	92.44	80.89	69.33	57.78	46.22	34.67	23.11	11.56
700	112.00	112.00	112.00	112.00	99.56	87.11	74.67	62.22	49.78	37.33	24.89	12.44
750	120.00	120.00	120.00	120.00	106.67	93.33	80.00	66.67	53.33	40.00	26.67	13.33

*All amounts in millions.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1668, regarding Larry Nottingham, Stockton, which was adopted.

Senator Westfall offered Senate Resolution No. 1669, regarding the death of Bruce N. Hopkins, Dunnegan, which was adopted.

Senator Bentley offered Senate Resolution No. 1670, regarding Brendan Neal Dusha, Strafford, which was adopted.

Senator Westfall offered Senate Resolution No. 1671, regarding the Ninety-Fifth Birthday of Dr. Bertis Alfred "Bert" Westfall, Columbia, which was adopted.

Senator Westfall offered Senate Resolution No. 1672, regarding Scott Kirsch, Springfield, which was adopted.

Senator Westfall offered Senate Resolution No. 1673, regarding Casey Mackey, Springfield, which was adopted.

Senator Westfall offered Senate Resolution No. 1674, regarding Randall Tyrel Andreasen, Willard, which was adopted.

Senator Bland offered Senate Resolution No. 1675, regarding James T. "Jim" Nunnely, MPA, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Richard Klindt, Chris Dunn and 67 fourth grade students, parents and teachers from Eugene Field Elementary School, Maryville; and Randall and Malorie Barnett were made honorary pages.

Senator Westfall introduced to the Senate, Joyce Kirkham, Mary Dawn Drake, Lauren Shuler, Crystal Small and Sarah Stoddard, Fair Play.

Senator Foster introduced to the Senate, Mack and Doris Lawrence, Greenville.

Senator Cauthorn introduced to the Senate, Barbara Mason, Moberly; and Audria Holmes, Megan Reichers and Angel Cooper, Paris.

On motion of Senator Kenney, the Senate adjourned until 1:00 p.m., Monday, May 6, 2002.

SENATE CALENDAR

SIXTY-SIXTH DAY-MONDAY, MAY 6, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1460-Hilgemann

HCS for HB 1695

HS for HCS for HBs 1729,

1589 & 1435-Barnitz

HCS for HJR 51

HB 1726-Walton, et al

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SS#2 for SCS for SBs 1279,
1162 & 1164-Kinder
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and
Russell, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1953-Van Zandt, et
al, with SCS (Singleton)

2. HB 1446-Luetkenhaus,
with SCS (Kenney)

3. HCS for HB 1888, with
SCS (Klarich)

4. HBs 1270 & 2032-Gratz,
with SCS (Westfall)

5. HB 1712-Monaco, et al,
with SCS (Klarich)
6. HS for HB 1994-Hosmer
(Bentley)
7. HCS for HB 1443, with
SCS (Gibbons)
8. HB 1041-Myers, with
SCS (Foster)
9. HB 1600-Treadway
(Mathewson)
10. HB 2008-O'Connor,
with SCS (Kenney)
11. HS for HCS for
HB 1532-Hoppe,
with SCS (Gross)
12. HB 1348-Myers, et al,
with SCS (Foster)
13. HB 1402-Burton, et al,
with SCS (Steelman)
14. HB 2023-Franklin,
with SCA 1 (Foster)
15. HB 1086-Harlan, with
SCS (House)
16. HB 1926-Fraser, et al (Quick)
17. HB 2078-Clayton
18. HS for HCS for HBs 1502
& 1821-Luetkenhaus,
with SCS (Rohrbach)
19. HB 1196-Barnett,

et al, with SCS (Klindt)

20. HBs 1489 & 1850-Britt,

with SCS

21. HS for HCS for HB 1962-

Monaco, with SCS

22. HCS for HB 1817, with SCS

23. HB 1773-Shelton and

Carnahan, with SCS

24. HS for HCS for HBs 1461

& 1470-Seigfreid, with SCS

25. HB 1748-Ransdall

26. HCS for HBs 1150, 1237

& 1327, with SCS

27. HS for HB 1455-

O'Toole, with SCS

28. HB 1508-Koller, with SCS

29. HCS for HBs 1344 &

1944, with SCS

30. HB 1679-Crump, with

SCS & point of order

31. HCS for HB 1898, with SCS

32. HCS for HB 1403, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS (pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al,

with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al, with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al,

with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS, SS

for SCS & SA 3 (pending)

SB 1087-Gibbons, et al,

with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al, with

SS and SA 3 (pending)

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SB 1281-Russell and Goode

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,

with SCS (pending)

(Coleman)

HB 1811-Gambaro, with SCS

(pending) (Dougherty)

HB 1085-Mays (50) (Quick)

HB 1781-Green (73) and

Ladd Baker (Russell)

HB 2080-Britt, et al, with

SCS (pending) (Foster)

HB 1674-O'Toole and

Dempsey (Stoll)

HB 1890-Hilgemann, et al,

with SCS (Gross)

HB 1518-Luetkenhaus

(Rohrbach)

HB 1568-Luetkenhaus, with

SCS (Rohrbach)

HB 1381-Luetkenhaus, with

SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS

(Rohrbach)

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS (House)

HB 1918-Koller, with SCS

(Staples)

HBs 1093, 1094, 1159, 1204,
1242, 1272, 1391, 1397,
1411, 1624, 1632, 1714,
1755, 1778, 1779, 1852,
1862, 2025 & 2123-Relford
and Seigfreid, with SCS
(Mathewson)

HBs 1141, 1400, 1645, 1745
& 2026-Naeger, with SCS
(Yeckel)

HBs 1205, 1214, 1314, 1320,
1504, 1788, 1867 & 1969-
Seigfreid and Relford, with
SCS (Mathewson)

HB 1075-Nordwald (House)

HB 2062-Hosmer, et al
(Westfall)

HB 1789-Ross, et al, with
SCS (Klarich)

HB 1643-Holand and Barry
(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,
with HCS

SB 695-Dougherty and Sims,
with HCS

SB 714-Singleton, with HCS

SCS for SB 737-Cauthorn

and Russell, with HCS

SB 749-Goode, with HCS

SB 758-Bentley, with HCS

SCS for SB 776-House,

with HCS

SB 786-Goode, with HCS

SB 795-Schneider, with HCS

SB 932-Klarich, with HCS

SCS for SB 947-Klindt and

Stoll, with HCS

SB 950-Gibbons and Klarich,

with HCS

SCS for SB 957-Loudon, et

al, with HCS

SCS for SB 960-Kenney, et

al, with HCS

SB 961-Wiggins, et al, with

HCS

SB 962-Wiggins, with HCS

SCS for SB 980-Singleton

and Schneider, with HCS

SB 992-Johnson, with HCS

SB 1012-Caskey, with HCS

SB 1041-Russell, with

HCA's 1, 2 & 3

SB 1078-Kennedy, with HCS

SCS for SB 1093-Loudon,

with HCS

SB 1094-Russell, with HCS

SB 1102-Westfall, with HCS

SCS for SB 1113-Caskey,

with HCS

SB 1119-Johnson, with HCS

SB 1168-Russell, with HCA 1

SB 1199-Foster, with HCA 1

SCS for SB 1202-Westfall,

with HCS

SCS for SB 1210-Johnson, with HCS

SCS for SB 1212-Mathewson,

with HCS

SB 1213-Mathewson, with HCS

SB 1220-Sims, with HS, as amended

SB 1244-Bland, et al, with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1101, with SCS

(Russell)

HCS for HB 1102, with SCS,
as amended (Russell)

HCS for HB 1103, with SCS,
as amended (Russell)

HCS for HB 1104, with SCS,
as amended (Russell)

HCS for HB 1105, with SCS
(Russell)

HCS for HB 1106, with SCS
(Russell)

HCS for HB 1107, with SCS,
as amended (Russell)

HCS for HB 1108, with SCS
(Russell)

HCS for HB 1109, with SCS
(Russell)

HCS for HB 1110, with SCS
(Russell)

HCS for HB 1111, with SCS,
as amended (Russell)

HCS for HB 1112, with SCS
(Russell)

HCS for HB 1711, with SAs
1, 2, 3, 4, 5, 6, 7, 8

& 11 (Jacob) (Senate
requests House grant
further conference)

HB 2120-Ridgeway and
Hosmer, with SCS
(Gibbons)

Requests to Recede or Grant Conference

SCS for SBs 1086 & 1126-
DePasco & Quick, with HCS
(Senate requests House
recede or grant conference)

SS for SB 1248-Mathewson,
with HS for HCS, as amended
(Senate requests House
recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1602-Klarich, with SS
(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 60-Kennedy, with SCS

(pending)

SCR 57-Steelman, with SCS

& SS for SCS (pending)

HCR 13-Bowman, et al

HCR 24-Kreider

SCR 69-Schneider, et al

HCR 4-Boucher

HCR 25-Meredith

HCR 18-Wilson (42)

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SIXTH DAY--MONDAY, MAY 6, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Let us not love in word or in speech, but in deed and in truth." (I John 3:18)

We ask O Lord, as we begin this new week that will certainly be filled with pressures and decisions called forth, that we may never fail to show our appreciation for those who do so much to help us get through each week. Let us show in loving words and actions how much they mean to us and treat them accordingly. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 3, 2002, was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator DePasco--1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1676, regarding Corrections Officer II Odell L. Henry, Jefferson City, which was adopted.

Senator Gibbons offered Senate Resolution No. 1677, regarding Dr. Richard Burns, Ph.D., St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1678, regarding Sarah McCarthy, which was adopted.

Senator Stoll offered Senate Resolution No. 1679, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Cooper, Crystal City, which was adopted.

Senator Stoll offered Senate Resolution No. 1680, regarding the University of Missouri Outreach and Extension Programs and Personnel, which was adopted.

Senator Rohrbach offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1681

WHEREAS, upon occasion the members of the Missouri Senate pause to applaud the hard work, dedication, and faithful service of the many fine individuals who continually give of themselves in proud, tireless fashion as a means of performing their multi-faceted duties and responsibilities as government employees; and

WHEREAS, Public Service Recognition Week is being observed this year from Monday, May 6, to Sunday, May 12, 2002, in accordance with a well-established schedule of tradition that has been followed since 1985; and

WHEREAS, the primary purpose of Public Service Recognition Week is to set aside a formal period of time during which citizens can be better informed about the vast array of important services so ably and so willingly provided by government employees at the federal, state, county, and local levels; and

WHEREAS, all state employees strive daily on an individual basis to achieve excellent results in the various tasks that have been assigned to them, to increase the degree of satisfaction of those who are being served, and to reduce the cost of government by helping citizens get more for their tax dollar; and

WHEREAS, those individuals who work for the state of Missouri are known, admired, and respected for the remarkable competence and exceptional talent that they have contributed to the betterment of our government through rigorous training and years of experience so vital and valuable to effective and efficient operation; and

WHEREAS, Missouri governmental employees put forth tremendous effort to ensure excellence on the job at all levels of service in the Executive, Legislative, and Judicial Branches; the Office of Administration; and the state Departments of Agriculture, Conservation, Corrections, Economic Development, Elementary and Secondary Education, Health and Senior Services, Higher Education, Insurance, Labor and Industrial Relations, Mental Health, Natural Resources, Public Safety, Revenue, Social Services, and Transportation;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously in a thunderous round of applause as a token of our deep gratitude for the loyalty, ability, and commitment demonstrated by the countless state employees who so often go above and beyond the call of duty in an earnest endeavor to accomplish their tasks by consistently rising to the challenge day after day, week after week, month after month, and year after year; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to acknowledge with sincere appreciation the invaluable public service of all Missouri state employees.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1682

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Robert J. "Bob" Mohart, of Kansas City; and

WHEREAS a lifelong resident of Kansas City, Bob was born there October 2, 1946, and during his outstanding and most productive life became a long time highly respected public servant; and

WHEREAS, Bob Mohart graduated from Rockhurst High School and Rockhurst college and received his Masters Degree in Public Administration from the University of Missouri at Kansas City; and

WHEREAS, Bob began his career with the City of Kansas City while still in college and began his professional career with the City in 1971, rising through the ranks until 1994 when he was promoted to Director of Neighborhood and Community Services, a position he held with great distinction until his death; and

WHEREAS, Bob was most of all a devoted husband and father in whose heart and love his family always came first:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of Robert J. "Bob" Mohart, express their appreciation for his lifetime of good citizenship and his outstanding contributions to Kansas City and to Missouri; and extend to his wife, Mrs. Cheryl A. (Meiners) Mohart, his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mrs. Cheryl A. Mohart; children, Chris Mohart, Molly Mohart and Pat Mohart; Mayor Kay Barnes; City Manager Bob Collins; Rockhurst High School; and Rockhurst University.

CONCURRENT RESOLUTIONS

Senator Singleton offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 75

WHEREAS, Cinco de Mayo is a date of great importance for the Mexican and Chicano communities as it marks the victory of the Mexican Army over the French at the Battle of Puebla; and

WHEREAS, the victory demonstrated to Mexican citizens that they could repel superior fighting power, instilled national pride, improved the international stature of Mexican President Juarez, and discouraged further American and European invasions of Mexico and Latin America; and

WHEREAS, the day is observed by Mexican-Americans in Missouri and throughout the nation as a celebration of cultural pride and a show of respect for the rights of people everywhere to enjoy in the fruits of self determination:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate the month of May as "Hispanic Cultural Month" and urge the Governor to issue a proclamation calling upon the people of the State of Missouri to observe this month with appropriate programs, ceremonies and activities; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and each member of Missouri's Congressional delegation.

HOUSE BILLS ON THIRD READING

HB 1781, introduced by Representatives Green (73) and Ladd Baker, entitled:

An Act to repeal section 198.439, RSMo, and to enact in lieu thereof one new section relating to the nursing facility reimbursement allowance.

Was called from the Consent Calendar and taken up by Senator Russell.

On motion of Senator Russell, HB 1781 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bland	Childers	House	Quick
Rohrbach	Schneider--6		
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Foster moved that **HB 2080**, with **SCS** (pending), be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 2080** was again taken up.

Senator Foster moved that **SCS** for **HB 2080** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HB 2080** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Quick	Schneider	Singleton--4
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1674, introduced by Representatives O'Toole and Dempsey, entitled:

An Act to repeal section 105.661, RSMo, and to enact in lieu thereof one new section relating to public retirement plans.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HB 1674** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode

Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1890, with **SCS**, introduced by Representative Hilgemann, et al, entitled:

An Act to repeal sections 32.087 and 144.190, RSMo, and to enact in lieu thereof three new sections relating to the sales tax and refund procedures related to mobile telecommunications services, with an effective date.

Was called from the Consent Calendar and taken up by Senator Gross.

SCS for **HB 1890**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1890

An Act to repeal sections 32.087 and 144.190, RSMo, and to enact in lieu thereof three new sections relating to the sales tax and refund procedures related to mobile telecommunications services, with an emergency clause.

Was taken up.

Senator Gross moved that **SCS** for **HB 1890** be adopted.

Senator Gross requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1890, Page 6, Section 144.190, Line 11, by striking the numeral "144.510" and inserting in lieu thereof the numeral "**144.525**"; and further amend line 28, by striking the following: "92 and" and inserting in lieu thereof the following: "**70, 92,**"; and further amend line 29, by inserting immediately after the numeral "94" the following: "**162, 190, 238, 321, and 644,**"; and

Further amend said bill, Page 7, Section 144.190, Lines 32-33, by striking "as defined by subdivision (5) of subsection 1 of section 144.010,"; and further amend line 38, by striking all of said line and inserting in lieu thereof the following:

"section 144.013;".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **HB 1890**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 1890**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Goode	Mathewson	Quick--4
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1518, introduced by Representative Luetkenhaus, entitled:

An Act to repeal section 376.307, RSMo, and to enact in lieu thereof one new section relating to life insurance company investments.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **HB 1518** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Jacob--2		
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Dougherty moved that **SB 695**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 695**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 695

An Act to repeal section 210.170, RSMo, and to enact in lieu thereof one new section relating to the children's trust fund board.

Was taken up.

Senator Dougherty moved that **HCS** for **SB 695** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Klarich	Klindt
Loudon	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	Jacob	Kinder	Mathewson
Quick--5			

Absent with leave--Senator DePasco--1

On motion of Senator Dougherty, **HCS** for **SB 695** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Coleman
Dougherty	Foster	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senators--None

Absent--Senators

Bland	Childers	Goode	Jacob
Kinder	Mathewson	Quick	Russell--8

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Singleton moved that **SB 714**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 714**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 714

An Act to repeal section 190.500, RSMo, relating to the declaration of a state public health emergency, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Singleton moved that **HCS** for **SB 714** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Rohrbach

Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Goode	Jacob
Kinder	Mathewson	Quick	Russell--8
	Absent with leave--Senator DePasco--1		

On motion of Senator Singleton, **HCS** for **SB 714** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Goode	Jacob
Kinder	Mathewson	Quick	Russell--8
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Cauthorn moved that **SCS** for **SB 737**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 737**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 737

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

Was taken up.

Senator Cauthorn moved that **HCS** for **SCS** for **SB 737** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Rohrbach
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Goode	Jacob
Kinder	Mathewson	Quick	Russell
Singleton--9			

Absent with leave--Senator DePasco--1

On motion of Senator Cauthorn, **HCS** for **SCS** for **SB 737** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Goode	Jacob
Kinder	Mathewson	Quick	Russell--8

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bentley moved that the Senate refuse to concur in **HCS** for **SB 758** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator House moved that **SCS** for **SB 776**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 776**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 776

An Act to repeal section 166.415, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education savings program.

Was taken up.

Senator House moved that **HCS** for **SCS** for **SB 776** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Goode	Jacob
Kinder	Mathewson	Quick	Russell--8
Absent with leave--Senator DePasco--1			

On motion of Senator House, **HCS** for **SCS** for **SB 776** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Goode	Jacob
Kinder	Mathewson	Quick	Russell--8
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schneider moved that **SB 795**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 795, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 795

An Act to amend chapter 650, RSMo, by adding thereto nine new sections relating to emergency communication systems.

Was taken up.

Senator Schneider moved that HCS for SB 795 be adopted.

At the request of Senator Schneider, the motion to adopt HCS for SB 795 was withdrawn.

Senator Schneider moved that the Senate refuse to concur in HCS for SB 795 and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Klarich moved that SB 932, with HCS, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 932, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 932

An Act to repeal sections 250.140 and 535.081, RSMo, and to enact in lieu thereof two new sections relating to notice provisions.

Was taken up.

Senator Klarich moved that HCS for SB 932 be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Rohrbach
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Goode	Jacob
Kinder	Mathewson	Quick	Russell
Singleton	Staples--10		
Absent with leave--Senator DePasco--1			

On motion of Senator Klarich, HCS for SB 932 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Dougherty	Foster	Gibbons	Gross
House	Johnson	Kennedy	Klarich
Klindt	Loudon	Rohrbach	Schneider

Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
	NAYS--Senators--None		
	Absent--Senators		
Cauthorn	Coleman	Goode	Jacob
Kenney	Kinder	Mathewson	Quick
Russell--9			
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klindt moved that **SCS** for **SB 947**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 947**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 947

An Act to repeal sections 178.870, 360.106, 360.111, and 360.112, RSMo, and to enact in lieu thereof five new sections relating to public community colleges.

Was taken up.

Senator Klindt moved that **HCS** for **SCS** for **SB 947** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Klarich	Klindt
Loudon	Rohrbach	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Jacob	Kinder	Mathewson
Quick	Russell	Schneider	Staples--8
	Absent with leave--Senator DePasco--1		

Senator Childers assumed the Chair.

On motion of Senator Klindt, **HCS** for **SCS** for **SB 947** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	Johnson	Kennedy
Kenney	Klarich	Klindt	Loudon
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--22		
NAYS--Senators--None			
Absent--Senators			
Coleman	House	Jacob	Kinder
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Staples--11	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Goode moved that **SB 749**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 749**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 749

An Act to repeal sections 21.250 and 116.050, RSMo, relating to powers of the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Goode moved that **HCS** for **SB 749** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Klarich	Klindt
Loudon	Rohrbach	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators--None			
Absent--Senators			
Coleman	Jacob	Kinder	Mathewson
Quick	Russell	Schneider	Sims--8

Absent with leave--Senator DePasco--1

On motion of Senator Goode, **HCS** for **SB 749** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Klindt	Loudon
Rohrbach	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senators--None

Absent--Senators

Coleman	Jacob	Kinder	Klarich
Mathewson	Quick	Russell	Schneider--8

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Goode moved that **SB 786**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 786**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 786

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the licensing of architects and engineers.

Was taken up.

Senator Goode moved that **HCS** for **SB 786** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

ColemanJacobMathewsonQuick

Russell--5

Absent with leave--Senator DePasco-- 1

On motion of Senator Goode, **HCS** for **SB 786** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Jacob	Mathewson	Quick--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Gibbons moved that **SB 950**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 950**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 950

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Henry Shaw Ozark Corridor.

Was taken up.

Senator Gibbons moved that **HCS** for **SB 950** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--29

NAYS--Senators--None

Absent--Senators

ColemanJacobMathewsonQuick--4

Absent with leave--Senator DePasco--1

On motion of Senator Gibbons, **HCS** for **SB 950** was read the 3rd time and passed by the following vote:

YEAS--Senators

BentleyBlandCaskeyCauthorn

ChildersDoughertyFosterGibbons

GoodeGrossHouseJohnson

KennedyKenneyKinderKlarich

KlindtLoudonMathewsonRussell

SimsSingletonStaplesSteelman

StollWestfallWigginsYeckel--28

NAYS--Senators--None

Absent--Senators

ColemanJacobQuickRohrbach

Schneider--5

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Loudon moved that **SCS** for **SB 957**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 957**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 957

An Act to repeal section 301.131, RSMo, and to enact in lieu thereof three new sections relating to license plates, with penalty provisions.

Was taken up.

Senator Loudon moved that **HCS** for **SCS** for **SB 957** be adopted, which motion prevailed by the following vote:

YEAS--Senators

BentleyBlandCaskeyCauthorn

ChildersDoughertyFosterGibbons

Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Coleman Schneider--2

Absent with leave--Senator DePasco--1

On motion of Senator Loudon, **HCS** for **SCS** for **SB 957** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Coleman Kenney Schneider--3

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wiggins moved that **SB 961**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 961**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 961

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eight new sections relating to police retirement systems.

Was taken up.

Senator Wiggins moved that **HCS** for **SB 961** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Kenney	Schneider--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Wiggins, **HCS** for **SB 961** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Kenney	Schneider--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wiggins moved that **SB 962**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 962**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 962

An Act to repeal section 115.507, RSMo, and to enact in lieu thereof one new section relating to the certification of election results.

Was taken up.

Senator Wiggins moved that **HCS** for **SB 962** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Kenney	Quick	Schneider
Stoll--5			
Absent with leave--Senator DePasco--1			

On motion of Senator Wiggins, **HCS** for **SB 962** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Kenney	Schneider--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Singleton moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 980** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Johnson moved that **SB 992**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 992**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 992

An Act to repeal section 447.721, RSMo, and to enact in lieu thereof two new sections relating to property development.

Was taken up.

Senator Johnson moved that **HCS** for **SB 992** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Quick	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Rohrbach--1			
Absent--Senator Mathewson--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Johnson, **HCS** for **SB 992** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Quick	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Rohrbach--1			
Absent--Senators			
Mathewson	Singleton--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 1281** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Westfall assumed the Chair.

Senator Childers assumed the Chair.

Senator Staples requested a roll call vote be taken on the perfection of **SB 1281** and was joined in his request by Senators Jacob, Kinder, Stoll and Wiggins.

SB 1281 was declared perfected and ordered printed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators		
Loudon	Singleton--2		
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to grant the Senate further conference on **HCS** for **HB 1711** as amended and request the Senate adopt the Conference Committee Report on **HCS** for **HB 1711** and take up and truly agree to and finally pass **CCS** for **HCS** for **HB 1711**.

CONFERENCE COMMITTEE REPORTS

Senator Jacob, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HB 1711**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1711

The Conference Committee appointed on House Committee Substitute for House Bill No. 1711, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, and Senate Amendment No. 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to

recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on House Committee Substitute for House Bill No. 1711, as amended;
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 1711;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill No. 1711, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Ken Jacob
/s/ Harold Caskey
/s/ Roseann Bentley
/s/ Betty Sims
Bill Kenney

FOR THE HOUSE:

/s/ Chuck Graham
/s/ Dick Franklin
/s/ D. J. Davis
/s/ Kathlyn Fares
/s/ Charlie Shields

Senator Gibbons assumed the Chair.

Senator Jacob moved that the above conference committee report be adopted.

Senator Loudon assumed the Chair.

President Maxwell assumed the Chair.

Senator Westfall offered a substitute motion that the Senate refuse to adopt the Conference Committee Report on **HCS** for **HB 1711**, as amended, and request the House to grant further conference thereon.

Senator Westfall requested a roll call vote be taken on his motion and was joined in his request by Senators Childers, Gibbons, Rohrbach and Yeckel.

The substitute motion was defeated by the following vote:

YEAS--Senators			
Cauthorn	Childers	Foster	Gibbons
Goode	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Schneider
Singleton	Steelman	Westfall	Yeckel-- 16
NAYS--Senators			
Bentley	Bland	Caskey	Coleman
Dougherty	Gross	House	Jacob
Johnson	Kennedy	Kenney	Mathewson
Quick	Sims	Staples	Stoll
Wiggins-- 17			
Absent--Senators--None			
Absent with leave--Senator DePasco-- 1			

Senator Jacob moved that the Conference Committee Report on **HCS** for **HB 1711**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Coleman
Dougherty	Goode	Gross	House

Jacob	Johnson	Kennedy	Kenney
Mathewson	Quick	Schneider	Sims
Staples	Stoll	Wiggins--19	
	NAYS--Senators		
Cauthorn	Childers	Foster	Gibbons
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Singleton	Steelman
Westfall	Yeckel--14		
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

On motion of Senator Jacob, **CCS** for **HCS** for **HB 1711**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1711

An Act to repeal sections 108.140, 160.011, 160.051, 160.518, 160.530, 161.092, 163.011, 163.036, 166.260, and 168.400, RSMo, and to enact in lieu thereof fourteen new sections relating to state school aid, with an emergency clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klindt	Mathewson	Quick	Sims
Staples	Stoll	Wiggins--19	
	NAYS--Senators		
Childers	Foster	Gibbons	Goode
Kinder	Klarich	Loudon	Rohrbach
Russell	Schneider	Singleton	Steelman
Westfall	Yeckel--14		
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klindt	Mathewson	Quick	Schneider
Sims	Staples	Steelman	Stoll
Wiggins--21			
	NAYS--Senators		
Childers	Foster	Gibbons	Goode

Kinder	Klarich	Loudon	Rohrbach
Russell	Singleton	Westfall	Yeckel--12
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 1460--Education.

HCS for **HB 1695**--Insurance and Housing.

HS for **HCS** for **HBs 1729, 1589** and **1435**--Civil and Criminal Jurisprudence.

HCS for **HJR 51**--Agriculture, Conservation, Parks and Tourism.

HB 1726--Education.

REFERRALS

President Pro Tem Kinder referred **HB 1489** and **HB 1850**, with **SCS**; **HS** for **HCS** for **HB 1962**, with **SCS**; **HS** for **HCS** for **HBs 1461** and **1470**, with **SCS**; **HB 1748**; **HCS** for **HBs 1150, 1237** and **1327**, with **SCS**; **HB 1508**, with **SCS**; and **HCS** for **HB 1898**, with **SCS**, to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 1281**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Kenney submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1988**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Gibbons, Chairman of the Committee on Ways and Means, Senator Kenney submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HS** for **HCS** for **HB 1906**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HB 1756**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SB 1248**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SB 1248**, as amended. Representatives: Foley, Kreider, Graham, Hanaway, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1313** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1849** and has taken up and passed **SCS** for **HB 1849**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 2022** and has taken up and passed **SCS** for **HB 2022**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 2047** and has taken up and passed **SCS** for **HB 2047**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1964** and has taken up and passed **SCS** for **HB 1964**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1477** and has taken up and passed **SCS** for **HB 1477**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1548** and has taken up and passed **SCS** for **HB 1548**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1078** and has taken up and passed **SCS** for **HB 1078**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1937** and has taken up and passed **HB 1937**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1783** and has taken up and passed **SCS** for **HB 1783**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1921** and has taken up and passed **SCS** for **HB 1921**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1492** and has taken up and passed **SCS** for **HB 1492**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1495** and has taken up and passed **SCS** for **HB 1495**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1265** and has taken up and passed **SCS** for **HB 1265**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1776** and has taken up and passed **SCS** for **HB 1776**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 895**, entitled:

An Act to repeal sections 30.260, 139.235, 143.081, 148.020, 148.610, 301.560, 301.600, 301.610, 301.620, 301.630, 301.640, 301.660, 306.400, 306.405, 306.410, 306.420, 306.430, 351.120, 351.140, 351.145, 351.150, 351.155, 355.856, 356.211, 361.700, 362.020, 362.106, 362.117, 362.170, 362.245, 362.270, 362.275, 362.335, 365.100, 367.518, 400.9-102, 400.9-109, 400.9-303, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625, 400.9-710, 407.432, 408.140, 408.510, 408.556, 408.557, 409.204, 409.402, 417.210, 454.516, 525.070, 570.130, 575.060, 700.350, 700.355, 700.360, 700.365, 700.370, and 700.380, RSMo, sections 375.018 and 375.065 as enacted by house committee substitute for senate substitute for senate bill no. 193, ninety-first general assembly, first regular session, section 375.018 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 709, eighty-seventh general assembly, first regular session, and section 375.065 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 896, ninetieth general assembly, second regular session, and to enact in lieu thereof seventy-eight new sections relating to financial services, with penalty provisions and an effective date for certain sections.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 895, by inserting at the appropriate location the following section:

"454.507. 1. In addition to the authority of the division to request information pursuant to section 454.440, the division may request information from financial institutions pursuant to this section.

2. As used in this section:

(1) "Account" includes a demand deposit, checking or negotiable withdrawal order account, savings account, time deposit account or money market mutual fund account;

(2) "Encumbered assets", the noncustodial parent's interest in an account which is encumbered by a lien arising by operation of law or otherwise;

(3) "Financial institution" includes:

(a) A depository institution as defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. section 1813(c));

(b) An institution affiliated party as defined in section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. section 1813(u));

(c) Any federal credit union or state credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. section 1752), including an institution affiliated party of such a credit union as defined in section 206(r) of the Federal Credit Union Act (12 U.S.C. section 1786(r)); or

(d) Any benefit association, insurance company, safe deposit company, money market fund or similar entity authorized to do business in the state.

3. The division shall enter into agreements with financial institutions to develop and operate a data match system which uses automated exchanges to the maximum extent feasible. Such agreements shall require the financial institution, to provide to the division, for each calendar quarter, the name, record address, Social Security number or other taxpayer identification number, and other identifying information of each noncustodial parent who maintains an account at such institution and who owes past due support, as identified by the division by name and Social Security number or other taxpayer identification number. The financial institution shall only provide such information stated in this subsection that is readily available through existing data systems, and as such data systems are enhanced, solely at the financial institution's discretion and for its business purposes, the financial institution shall provide any original and additional information which becomes readily available for any new data match request.

4. The division shall pay a reasonable fee to the financial institution for conducting the data match pursuant to this section, but such amount shall not exceed the costs incurred by the financial institution.

5. The division [of] **or** a IV-D agency may issue liens against any account in a financial institution and may release such liens.

6. **(1)** If a notice of lien is received from the division or a IV-D agency, the financial institutions shall immediately encumber the assets held by such institution on behalf of any noncustodial parent who is subject to such lien. However, if the account is in the name of a noncustodial parent and such parent's spouse **or parent**, the financial institution at its discretion may not encumber the assets and when it elects not to encumber such assets, shall so notify the division or IV-D agency. The amount of assets to be encumbered shall be stated in the notice and shall not exceed the amount of unpaid support due at the time of issuance. [The financial institution shall, within five business days of receipt of such

notice, mail a copy of the notice of lien to the noncustodial parent and any other person named on the account at the address shown in the records of the financial institution.] **The financial institution shall, within five business days of receipt of a notice of lien, notify the division or IV-D agency of the financial institution's response to the notice of lien.**

(2) Within five business days of notification by the financial institution that assets have been encumbered, the division or IV-D agency shall notify by mail the noncustodial parent of the issuance of the lien and the reasons for such issuance. The notice shall advise the noncustodial parent of the procedures to contest such lien pursuant to section 454.475 by requesting a hearing within thirty days from the date the notice was mailed by the division to the noncustodial parent.

7. (1) Except as provided in subsection 6 of this section, the interest of the noncustodial parent shall be presumed equal to all other joint owners, unless at least one of the joint owners provides the division or IV-D agency with a true copy of a written agreement entered prior to the date of issuance of notice of lien, or other clear and convincing evidence regarding the various ownership interests of the joint owners within twenty days of the financial institution's mailing of the notice of lien. The financial institution shall only encumber the amount presumed to belong to the noncustodial parent. The division or IV-D agency may proceed to issue an order for the amount in the account presumed to belong to the noncustodial parent if no prior written agreement or other evidence is provided.

(2) If a prior written agreement or other clear and convincing evidence is furnished to the division, and based on such agreement or evidence the division or IV-D agency determines that the interest of the noncustodial parent is less than the presumed amount, the division or IV-D agency shall amend the lien to reflect the amount in the account belonging to the noncustodial parent or shall release the lien if the noncustodial parent has no interest in the account. In no event shall the division or IV-D agency obtain more than the presumed amount of the account without a judicial determination that a greater amount of the account belongs to the noncustodial parent. The division or IV-D agency may by levy and execution on a judgment in a court of competent jurisdiction seek to obtain an amount greater than the amount presumed to belong to the noncustodial parent upon proof that the noncustodial parent's interest is greater than the amount presumed pursuant to this subsection.

(3) For purposes of this subsection, accounts are not joint accounts when the noncustodial parent has no legal right to the funds, but is either a contingent owner or agent. Such nonjoint accounts shall include, but are not limited to, a pay-on-death account or any other account in which the noncustodial parent owner may act as agent by a power of attorney or otherwise. Furthermore, when any account naming the noncustodial parent has not been disclosed to the noncustodial parent which is evidenced by a signature card or other deposit agreement not containing the signature of such noncustodial parent, then for the purposes of this subsection, such account shall not be treated as a joint account.

(4) Notwithstanding any other provision of this section, a financial institution shall not encumber any account of less than one hundred dollars.

8. Upon service of an order to surrender issued pursuant to this section, any financial institution in possession of a jointly owned account may interplead such property as otherwise provided by law.

9. Any other joint owner may petition a court of competent jurisdiction for a determination that the interests of the joint owners are disproportionate. The party filing the petition shall have the burden of proof on such a claim. If subject to the jurisdiction of the court, all persons owning affected accounts with a noncustodial parent shall be made parties to any proceeding to determine the respective interests of the joint owners. The court shall enter an appropriate order determining the various interests of each of the joint owners and authorizing payment against the obligor's share for satisfaction of the child support or maintenance obligation.

10. The court may assess costs and reasonable attorney's fees against the noncustodial parent if the court determines that the noncustodial parent has an interest in the affected joint account.

11. The division may order the financial institution to surrender all or part of the encumbered assets. The order shall not issue until sixty days after the notice of lien is sent to the financial institution. The financial institution shall, within seven days of receipt of the order, pay the encumbered amount as directed in the order to surrender. **If the**

noncustodial parent contests a lien pursuant to subdivision (2) of subsection 6 of this section and a hearing is pending, the bank shall retain the surrendered funds in escrow pending the hearing determination.

12. A financial institution shall not be liable pursuant to any state or federal law, including 42 U.S.C. section 669A, to any person for:

- (1) Any disclosure of information to the division pursuant to this section;
- (2) Encumbering or surrendering any assets held by the financial institution in response to a lien or order pursuant to this section and notwithstanding any other provisions in this section to the contrary, encumbering or surrendering assets from any account in the financial institution connected in any way to the noncustodial parent; or
- (3) Any other action taken in good faith to comply with the requirements of this section.

13. A financial institution that fails without due cause to comply with a notice of lien or order to surrender issued pursuant to this section shall be liable for the amount of the encumbered assets and the division may bring an action against the financial institution in circuit court for such amount. For purposes of this subsection, "due cause" shall include, but not be limited to, when a financial institution demonstrates to a court of competent jurisdiction that the institution established in good faith a routine to comply with the requirements of this section and that one or more transactions to enforce the lien or order to surrender were not completed due to an accidental error, a misplaced computer entry, or other accidental human or mechanical problems."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1868**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto thirty-nine new sections relating to the creation of a regional taxicab commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 884**.

Bill ordered enrolled.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 1248**, as amended: Senators Mathewson, Quick, Gross, Klarich and Gibbons.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1109**. Representatives Green (73), Kelly (27), Wilson (42), Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1110**. Representatives Green (73), Wilson (25), Campbell, Bearden, Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1111**, as amended. Representatives Green (73), Troupe, Campbell, Bearden, Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1112**. Representatives: Green (73), Bonner, Merideth, Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1070**, entitled:

An Act to repeal sections 43.540, 547.170, 589.400, and 589.410, RSMo, and to enact in lieu thereof four new sections relating to protection of children, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 1009**, entitled:

An Act to repeal sections 375.330, 375.345, 376.307, 376.311, 376.671, 376.951, 376.952, 376.955, 376.957, and 379.080 RSMo, and to enact in lieu thereof fourteen new sections relating to investments by insurance companies.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 729**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 812**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 865**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 918**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1109**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1207**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1151**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 874**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1182**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1024**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 976**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 644**.

Bill ordered enrolled.

RESOLUTIONS

Senator Staples offered Senate Resolution

No.1683, regarding the 2001-2002 Winona High School Girls Volleyball Team, Winona, which was adopted.

Senator Staples offered Senate Resolution No. 1684, regarding Coach Francie McBride, Winona, which was adopted.

Senator Loudon offered Senate Resolution No. 1685, regarding Kyle G. Cranston, Ellisville, which was adopted.

Senator Stoll offered Senate Resolution No. 1686, regarding Roger Kaido, Arnold, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Ron Baumgartner, Versailles.

Senator Russell introduced to the Senate, his wife, Margaret, Lebanon; their daughter, Melissa Montgomery, and her children, Makenzie and Audrey, Springfield; and Makenzie and Audrey were made honorary pages.

Senator Gibbons introduced to the Senate, Tom and Ellie Cribbin, and their children, Andrew and Joseph, Kirkwood; and Andrew and Joseph were made honorary pages.

Senator Staples introduced to the Senate, Carlos Welch and sixth grade students from Bunker.

Senator Kenney introduced to the Senate, Diane and Jim McIntosh, and their children, Shanda and Adison, Home Schoolers from Lee's Summit; and Shanda and Adison were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Tuesday, May 7, 2002.

SENATE CALENDAR

SIXTY-SEVENTH DAY-TUESDAY, MAY 7, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 1868-
Barry

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)
SS#2 for SCS for SBs 1279,
1162 & 1164-Kinder
(In Budget Control)

SB 1281-Russell and Goode

SENATE BILLS FOR PERFECTION

SB 652-Singleton and
Russell, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1953-Van Zandt, et al,
with SCS (Singleton)
2. HB 1446-Luetkenhaus,
with SCS (Kenney)
3. HCS for HB 1888, with
SCS (Westfall)
4. HBs 1270 & 2032-Gratz,
with SCS (Westfall)
5. HB 1712-Monaco, et al,
with SCS (Klarich)
6. HS for HB 1994-Hosmer
(Bentley)
7. HCS for HB 1443, with
SCS (Gibbons)
8. HB 1041-Myers, with
SCS (Foster)
9. HB 1600-Treadway
(Mathewson)
10. HB 2008-O'Connor,
with SCS (Kenney)
11. HS for HCS for
HB 1532-Hoppe,
with SCS (Gross)
12. HB 1348-Myers, et al,
with SCS (Foster)

13. HB 1402-Burton, et al,
with SCS (Steelman)
14. HB 2023-Franklin,
with SCA 1 (Foster)
15. HB 1086-Harlan, with
SCS (House)
16. HB 1926-Fraser, et al (Quick)
17. HB 2078-Clayton (Rohrbach)
18. HS for HCS for HBs 1502 &
1821- Luetkenhaus, with
SCS (Rohrbach)
19. HB 1196-Barnett, et al,
with SCS (Westfall)
20. HBs 1489 & 1850-Britt,
with SCS (Steelman)
(In Budget Control)
21. HS for HCS for HB 1962-
Monaco, with SCS
(In Budget Control)
22. HCS for HB 1817, with
SCS (Bentley)
23. HB 1773-Shelton and
Carnahan, with SCS
24. HS for HCS for HBs 1461 &
1470-Seigfreid, with SCS (Yeckel)
(In Budget Control)
25. HB 1748-Ransdall

(Steelman)

(In Budget Control)

26. HCS for HBs 1150, 1237

& 1327, with SCS

(In Budget Control)

27. HS for HB 1455-

O'Toole, with SCS

28. HB 1508-Koller, with

SCS (Westfall)

(In Budget Control)

29. HCS for HBs 1344 &

1944, with SCS (Caskey)

30. HB 1679-Crump, with SCS

& point of order (Sims)

31. HCS for HB 1898, with

SCS (Goode)

(In Budget Control)

32. HCS for HB 1403, with SCS

33. HB 1988-Kelly (144)

34. HS for HCS for HB 1906-

Green (73), with SCS

(Kenney)

35. HS for HCS for

HB 1756-Reid

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,
with SCS (pending)

SB 647-Goode, with SCS
(pending)

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SB 668-Bentley, with SS &
SA 1 (pending)

SB 689-Gibbons, et al, with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and
Kinder, with SCS

SBs 766, 1120 & 1121-
Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al, with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al, with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS, SS

for SCS & SA 3 (pending)

SB 1087-Gibbons, et al, with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,

with SS and SA 3 (pending)

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,
with SCS (pending) (Coleman)

HB 1811-Gambaro, with SCS
(pending) (Dougherty)

HB 1085-Mays (50) (Quick)

HB 1568-Luetkenhaus, with
SCS (Rohrbach)

HB 1381-Luetkenhaus, with
SCS (Rohrbach)

HB 1701-Luetkenhaus and

Ward, with SCS (Rohrbach)

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS (House)

HB 1918-Koller, with SCS

(Staples)

HBs 1093, 1094, 1159, 1204, 1242,

1272, 1391, 1397, 1411, 1624,

1632, 1714, 1755, 1778, 1779, 1852,

1862, 2025 & 2123-Relford

and Seigfreid, with SCS

(Mathewson)

HBs 1141, 1400, 1645,

1745 & 2026-Naeger,

with SCS (Yeckel)

HBs 1205, 1214, 1314, 1320,

1504, 1788, 1867 & 1969-

Seigfreid and Relford, with

SCS (Mathewson)

HB 1075-Nordwald (House)

HB 2062-Hosmer, et al

(Westfall)

HB 1789-Ross, et al, with

SCS (Klarich)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SB 895-Yeckel and Gross, with

HS for HCS, as amended

SCS for SB 960-Kenney,

et al, with HCS

SS for SCS for SB 1009-

Rohrbach, with HCS

SB 1012-Caskey, with HCS

SB 1041-Russell, with

HCA's 1, 2 & 3

SCS for SB 1070-Gibbons,

with HCS

SB 1078-Kennedy, with HCS

SCS for SB 1093-Loudon,

with HCS

SB 1094-Russell, with HCS

SB 1102-Westfall, with HCS

SCS for SB 1113-Caskey,

with HCS

SB 1119-Johnson, with HCS

SB 1168-Russell, with HCA 1

SB 1199-Foster, with HCA 1

SCS for SB 1202-Westfall,

with HCS

SCS for SB 1210-Johnson,

with HCS

SCS for SB 1212-Mathewson,

with HCS

SB 1213-Mathewson, with HCS

SB 1220-Sims, with HS, as

amended

SB 1244-Bland, et al, with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SB 1248-Mathewson,

with HS for HCS, as amended

HCS for HB 1101, with SCS

(Russell)

HCS for HB 1102, with SCS,

as amended (Russell)

HCS for HB 1103, with SCS,

as amended (Russell)

HCS for HB 1104, with SCS,

as amended (Russell)

HCS for HB 1105, with SCS

(Russell)

HCS for HB 1106, with SCS

(Russell)

HCS for HB 1107, with SCS,
as amended (Russell)

HCS for HB 1108, with SCS
(Russell)

HCS for HB 1109, with SCS
(Russell)

HCS for HB 1110, with SCS
(Russell)

HCS for HB 1111, with SCS,
as amended (Russell)

HCS for HB 1112, with SCS
(Russell)

HB 2120-Ridgeway and Hosmer,
with SCS (Gibbons)

Requests to Recede or Grant Conference

SB 758-Bentley, with HCS

(Senate requests House
recede or grant conference)

SB 795-Schneider, with HCS

(Senate requests House
recede or grant conference)

SCS for SB 980-Singleton
and Schneider, with HCS

(Senate requests House
recede or grant conference)

SCS for SBs 1086 & 1126-
DePasco & Quick, with HCS

(Senate requests House
recede or grant conference)

HB 1313-Burton, with SCS
(Foster)

(House requests Senate
recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1602-Klarich, with SS
(pending)

To be Referred

SCR 75-Singleton

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 60-Kennedy, with SCS

(pending)

SCR 57-Steelman, with SCS

& SS for SCS (pending)

HCR 13-Bowman, et al

(Caskey)

HCR 24-Kreider (Westfall)

SCR 69-Schneider, et al

HCR 4-Boucher (Bentley)

HCR 25-Meredith (Foster)

HCR 18-Wilson (42)

(Mathewson)

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SEVENTH DAY--TUESDAY, MAY 7, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"You desire truth in the inward being, therefore teach me wisdom in my secret heart." (Psalm 51:6)

Omniscient God, help us to seek wisdom and understanding as we go about our daily living and are confronted by so many decisions that have to be made. We invite You, therefore, to help us know the truth and to live and act the truth, in our thinking, in our decisions and in our actions, so we may pass on the wisdom of our hearts to help our people live more effective lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1687, regarding Mica Morse, Patton, which was adopted.

Senator Coleman offered Senate Resolution No. 1688, regarding Judith Ann Weichold, Walnut Creek, California, which was adopted.

Senator House offered Senate Resolution No. 1689, regarding the Registered Nurses of Saint John's Mercy Medical

Center, St. Louis, which was adopted.

Senators House and Cauthorn offered Senate Resolution No. 1690, regarding Cathie L. VanMatre, Mexico, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Dougherty moved that **HB 1811**, with **SCS**, as amended (pending), be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 1811**, as amended, was again taken up.

Senator Dougherty moved that **SCS** for **HB 1811**, as amended, be adopted, which motion prevailed.

Senator Dougherty moved that **SCS** for **HB 1811**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Kinder referred **SCS** for **HB 1811**, as amended, to the Committee on State Budget Control.

HB 1568, with **SCS**, introduced by Representative Luetkenhaus, entitled:

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 1568**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1568**

An Act to repeal sections 375.246, 375.330, 375.1202, 376.311, 376.671, 376.951, 376.952, 376.955, 376.957 and 379.080, RSMo, and to enact in lieu thereof fourteen new sections relating to insurance.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 1568** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 1568** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Gibbons	Schneider--4
Absent with leave--Senators			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

At the request of Senator Singleton, **HB 1953**, with **SCS**, was placed on the Informal Calendar.

HB 1446, with **SCS**, introduced by Representative Luetkenhaus, entitled:

An Act to repeal section 376.1350, RSMo, and to enact in lieu thereof one new section relating to exclusions from certain insurance definitions.

Was taken up by Senator Kenney.

SCS for **HB 1446**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1446

An Act to repeal section 376.1350, RSMo, and to enact in lieu thereof two new sections relating to certain insurance definitions and requirements.

Was taken up.

Senator Kenney moved that **SCS** for **HB 1446** be adopted.

Senator Kenney offered **SS** for **SCS** for **HB 1446**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1446

An Act to repeal sections 354.085, 354.405, 354.603 and 376.1350, RSMo, and to enact in lieu thereof ten new sections relating to health insurance, with an effective date for a certain section.

Senator Kenney moved that **SS** for **SCS** for **HB 1446** be adopted.

Senator Childers assumed the Chair.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1446, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"194.220. 1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his **or her** body for any purpose specified in section 194.230, the gift to take effect upon death. **Any individual who is a minor**

and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, application for the donor's instruction permit or driver's license, or other document of gift. An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person.

2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual knowledge of a gift by the decedent [under] **pursuant to** subsection 1 of this section or actual notice of contrary indications by the decedent [or of opposition by a member of the same or a prior class], may give all or any part of the decedent's body for any purpose specified in section 194.230:

(1) An attorney in fact under a durable power of attorney that expressly refers to making a gift of all or part of the principal's body [under] **pursuant to** the uniform anatomical gift act;

(2) The spouse;

(3) An adult son or daughter;

(4) Either parent;

(5) An adult brother or sister;

(6) A guardian of the person of the decedent at the time of his **or her** death;

(7) Any other person authorized or under obligation to dispose of the body.

3. If the donee has actual notice of contrary indications by the decedent [or that a gift by a member of a class is opposed by a member of the same or a prior class], the donee shall not accept the gift. The persons authorized by subsection 2 of this section may make the gift after or immediately before death.

4. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

5. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection 4 of section 194.270.

194.230. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) Any accredited medical or dental school, college or university or the state anatomical board for education, research, advancement of medical or dental science, or therapy; or

(3) Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) Any specified individual for therapy or transplantation needed by [him] **such individual**; and

Further amend said bill, page 17, section 376.1253, line 8, by inserting after said line the following:

"376.1275. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2003, shall include coverage for the cost for human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing must be performed in a facility which is accredited by the American Association of Blood Banks or its successors, and is

licensed under the Clinical Laboratory Improvement Act, 42 U.S.C. Section 263a, as amended. At the time of testing, the person being tested must complete and sign an informed consent form which also authorizes the results of the test to be used for participation in the National Marrow Donor Program. The health benefit plan may limit each enrollee to one such testing per lifetime to be reimbursed by the health carrier or health benefit plan.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The health care service required by this section shall not be subject to any greater deductible or copayment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Klarich offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 1446, Page 3, Line 23, by inserting after the word "lifetime" the following:

"not to exceed seventy-five dollars".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Dougherty moved that the above amendment, as amended, be adopted, which motion prevailed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1446, Page 16, Section 376.430.2, Line 5, by deleting from said line the words "which are renewed"; and further deleting lines 6 through 10; and substituting in lieu thereof the following:

"which make changes in prescription drug coverage."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1446, Page 16, Section 376.430.1, Line 1, by adding the following:

"If the prescription information is contained on the plan's standard member identification card, the card shall

contain, at a minimum the name and phone number of the benefits administrator or other entity responsible for prescription claims submission, adjudication or pharmacy provider correspondence for prescription benefits claims."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1446, Page 16, Section 376.430, Line 10, by inserting after all of said line the following:

"376.1230. 1. Every policy issued by a health carrier, as defined in section 376.1350, that includes coverage for physician services in the physician's office and every policy that provides major medical or similar comprehensive coverage, including managed care organizations, shall provide chiropractic care, as defined in chapter 331, RSMo, as part of basic health care services.

(1) For plans offered by all health carriers, as defined in section 376.1350, a covered enrollee who wishes to receive chiropractic care shall have direct access to the services of a chiropractic physician of his or her choice within the provider network.

(2) A covered enrollee shall have the right to obtain clinically necessary and appropriate initial and follow-up chiropractic care and referrals for diagnostic testing related to chiropractic care. The chiropractic services shall be within the scope of practice of the selected doctor of chiropractic and shall be subject to the terms and conditions of the policy.

2. No health carrier utilizing a gatekeeper shall permit such gatekeeper to intentionally misinform a covered enrollee of the existence or availability of chiropractic care benefits under such enrollee's plan.

3. Nothing in this section shall be construed to limit the health carrier's ability to credential providers or be deemed as a willing provider provision.

376.1231. 1. For purposes of this section, "health care provider" or "provider" means a chiropractic physician licensed pursuant to chapter 331, RSMo, or a medical physician or surgeon licensed pursuant to chapter 334, RSMo. Any health carrier, as defined in section 376.1350, shall not discriminate against any health care provider or group of providers based on licensure, or limit or restrict the diagnosis, treatment, management, or reimbursement of the same or similar condition, injury, complaint, disorder, or ailment while acting within the scope of their practice.

2. All health care providers may be subject to reasonable deductibles, co-payment, and coinsurance amounts, fee or benefit limits, practice parameters and reasonable utilization review; provided that any such amounts, limits, and review shall not function to direct treatment in a manner which unfairly discriminates against any health care providers and are no more restrictive than those applicable under the same policy of care or services provided by other health care providers in the diagnosis, treatment, and management of the same or similar conditions, injuries, complaints, disorders, or ailments, even if differing nomenclature is used to describe the condition, injury, complaint, disorder, or ailment."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Klarich moved that the above amendment be adopted, which motion failed.

At the request of Senator Kenney, **HB 1446**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS No. 2** for **SCS** for **SBs 1279, 1162** and **1164**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Kenney, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Steelman.

HOUSE BILLS ON THIRD READING

HB 1381, with **SCS**, introduced by Representative Luetkenhaus, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the interpretation of insurance materials.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 1381**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1381

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to interpretation of insurance materials.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 1381** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 1381** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Stelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	Childers	Coleman	Schneider--4
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Absent with leave--Senators

DePasco	Jacob--2
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The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1701, with **SCS**, introduced by Representatives Luetkenhaus and Ward, entitled:

An Act to repeal sections 376.951, 376.952, 376.955, and 376.957, RSMo, and to enact in lieu thereof nine new sections relating to long-term care insurance, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 1701**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1701

An Act to repeal sections 376.671, 376.951, 376.952, 376.955 and 376.957, RSMo, and to enact in lieu thereof nine new sections relating to long-term care insurance.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 1701** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 1701** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators			
DePasco	Jacob--2		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Gross assumed the Chair.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SBs 1279, 1162 and 1164**, introduced by Senator Kinder, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1279, 1162 and 1164

An Act to repeal sections 70.853, 99.845, 143.183, 172.273 and 253.559, RSMo, and to enact in lieu thereof twenty-nine new sections relating to community development, with a termination date for a certain section and an effective date for a certain section.

Was taken up.

President Maxwell assumed the Chair.

Senator Rohrbach assumed the Chair.

Senator Westfall assumed the Chair.

Senator Childers assumed the Chair.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

A quorum was established by the following vote:

	Present--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	Absent--Senators		
Klindt	Schneider--2		
	Absent with leave--Senator DePasco--1		

A quorum was established by the following vote:

	Present--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	Absent--Senators		
Johnson	Mathewson	Schneider	Staples--4
	Absent with leave--Senator DePasco--1		

On motion of Senator Kinder, **SS No. 2** for **SCS** for **SBs 1279, 1162 and 1164** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Loudon	Quick	Sims
Staples	Wiggins	Yeckel--19	

NAYS--Senators

Caskey	Cauthorn	Foster	Goode
Johnson	Klindt	Mathewson	Rohrbach
Russell	Schneider	Singleton	Steelman
Stoll	Westfall--14		

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 1281, introduced by Senators Russell and Goode, entitled:

An Act to appropriate money pursuant to Article IV, Section 27(a), Subsection 5 of the Missouri Constitution and for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds designated for the fiscal period ending June 30, 2002.

Was taken up by Senator Russell.

On motion of Senator Russell, **SB 1281** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators

Loudon
Singleton--2

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Sims moved that the Senate refuse to concur in **HS for SB 1220**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon.

Senator Rohrbach offered a substitute motion that the Senate refuse to adopt the **HS for SB 1220**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference, and that the Senate conferees be bound to the House's position on House Amendment No. 2 to Part II of **HS for SB 1220**, relating to prohibiting the Missouri Lottery Commission from implementing keno games until given statutory authority or by approval of a vote of the people, which motion failed.

Senator Sims moved that the Senate refuse to concur in **HS for SB 1220**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Kenney moved that **SCS for SB 960**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 960, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 960

An Act to amend chapter 301, RSMo, by adding thereto three new sections relating to the creation of special license plates.

Was taken up.

Senator Kenney moved that **HCS for SCS for SB 960** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--29

NAYS--Senator Rohrbach--1

Absent--Senators

Cauthorn	Quick	Schneider--3
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Absent with leave--Senator DePasco--1

On motion of Senator Kenney, **HCS for SCS for SB 960** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Sims
Singleton	Steelman	Stoll	Wiggins
Yeckel--25			

NAYS--Senator Rohrbach--1

Absent--Senators

Cauthorn	Goode	Quick	Russell
Schneider	Staples	Westfall--7	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SB 1012**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1012**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1012

An Act to repeal section 8.231, RSMo, and to enact in lieu thereof one new section relating to guaranteed energy cost savings contracts.

Was taken up.

Senator Caskey moved that **HCS** for **SB 1012** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		

Schneider
Staples--2
Absent with leave--Senator DePasco--1

On motion of Senator Caskey, **HCS** for **SB 1012** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Coleman	Jacob	Russell	Schneider
Staples--5			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Johnson moved that **SCS** for **SB 1210**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1210**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1210

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for the promotion of tourism and convention facilities.

Was taken up.

Senator Johnson moved that **HCS** for **SCS** for **SB 1210** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Schneider	Staples--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Johnson, **HCS** for **SCS** for **SB 1210** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Sims	Singleton
Steelman	Stoll	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Russell	Schneider	Staples
Westfall--5			
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Kenney moved that **HB 1446**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1446, Page 26, Section 376.1575, Line 24, by inserting after all of said line the following:

"430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

- (2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;
- (3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;
- (4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;
- (5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;
- (6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time."; and

Further amend said bill, Page 26, Section 376.1575, Line 24, by inserting after all of said line the following:

"[430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries caused by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.]; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Kenney, **HB 1446**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

HCS for **HB 1888**, with **SCS**, was placed on the Informal Calendar.

HB 1270 and **HB 2032**, with **SCS**, were placed on the Informal Calendar.

HB 1712, with **SCS**, introduced by Representative Monaco, et al, entitled:

An Act to repeal sections 400.9-102, 400.9-109, 400.9-303, 400.9-311, 400.9-313, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625, and 400.9-710, RSMo, and to enact in lieu thereof twenty-two new sections relating to matters regulated by the secretary of state.

Was taken up by Senator Klarich.

SCS for **HB 1712**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1712

An Act to repeal sections 347.143, 351.055, 351.182, 351.400, 351.455, 400.9-102, 400.9-109, 400.9-303, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625 and 400.9-710, RSMo, and to enact in lieu thereof twenty-five new sections relating to business and commerce.

Was taken up.

Senator Klarich moved that **SCS** for **HB 1712** be adopted.

Senator Klarich offered **SS** for **SCS** for **HB 1712**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1712

An Act to repeal sections 347.143, 351.055, 351.120, 351.140, 351.145, 351.150, 351.155, 351.182, 351.385, 351.400, 351.455, 355.856, 356.211, 400.9-102, 400.9-109, 400.9-303, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625, 400.9-710, 407.432, 417.210, 429.010 and 575.060, RSMo, and to enact in lieu thereof forty new sections relating to business and commerce, with penalty provisions.

Senator Klarich moved that **SS** for **SCS** for **HB 1712**, be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1712, Page 80, Section 429.010, Line 7, by inserting after all of said line the following:

"430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.

"[430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the

customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.]" ; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Kinder assumed the Chair.

Senator Caskey offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1712, Page 2, Section 347.143, Line 2, by inserting immediately before said line the following:

"72.080. 1. Any unincorporated city, town or other area of the state may, except as otherwise provided in sections 72.400 to 72.420, become a city of the class to which its population would entitle it pursuant to this chapter, and be incorporated pursuant to the law for the government of cities of that class, in the following manner: whenever a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated shall present a petition to the governing body of the county in which such city or town or area is situated, such petition shall describe, by metes and bounds, the area to be incorporated and be accompanied by a plat thereof, shall state the approximate population and the assessed valuation of all real and personal property in the area and shall state facts showing that the proposed city shall have the ability to furnish normal municipal services within a reasonable time after its incorporation is to become effective and praying that the question be submitted to determine if it may be incorporated. If the governing body shall be satisfied that a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated have signed such petition, the governing body shall submit the question to the voters.

2. The county may make changes in the petition to correct technical errors or to redefine the metes and bounds of the area to be incorporated to reflect other boundary changes occurring within six months prior to the time of filing the petition. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a city, town or village, although the governing body shall be satisfied as to the sufficiency of the signatures for the final proposed area. If a majority of the voters voting on the question vote for incorporation, the governing body shall declare such city, town or other area incorporated, designating in such order the metes and bounds thereof, and thenceforth the inhabitants within such bounds shall be a body politic and incorporate, by the name and style of "the city of", or "the town of", and the first officers of such city or town shall be designated by the order of the governing body, who shall hold their offices until the next municipal election and until their successors shall be duly elected and qualified. The county shall pay the costs of the election.

3. In any county with a charter form of government where fifty or more cities, towns and villages have been incorporated, an unincorporated city, town or other area of the state shall not be incorporated except as provided in sections 72.400 to 72.420.

4. Any unincorporated area located partially within any county of the first classification without a charter form of government and with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants and partially within any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants may incorporate as a city of the class to which its population would entitle it pursuant to this chapter notwithstanding any proposed annexation of the unincorporated area by any city of the third or fourth classification or any home rule city with more than four hundred thousand inhabitants and located in more than one county. If any city of the third or fourth classification or any home rule city with more than four hundred thousand inhabitants and located in more

than one county proposes annexation by ordinance or resolution of any unincorporated area as defined in this subsection, no such annexation shall become effective until after the qualified voters in the unincorporated area proposed to be incorporated fail to approve the proposed incorporation by a majority vote in the election described in subsection 2 of this section.

5. Prior to the election described in subsection 2 of this section, if the owner or owners of either the majority of the commercial or the majority of the agricultural classification of real property in the proposed area to be incorporated object to such incorporation, such owner or owners may file an action in the circuit court of the county in which such unincorporated area is situated, pursuant to the provisions of chapter 527, RSMo, praying for a declaratory judgment requesting that such incorporation be declared unreasonable by the court. As used in this subsection, a "majority of the commercial or agricultural classification" means a majority as determined by the assessed valuation of the tracts of real property in either classification to be determined by the assessments made according to chapter 137, RSMo. The petition in such action shall state facts showing that such incorporation including the real property owned by the petitioners is not reasonable based on the same criteria as specified in subsection 3 of section 72.403 and is not necessary to the proper development of the city or town. If the circuit court finds that such inclusion is not reasonable and necessary, it may enjoin the incorporation or require the petition requesting the incorporation to be resubmitted excluding all or part of the property of the petitioners from the proposed incorporation.

72.130. Except as provided in sections 72.400 to 72.420, no city, town, village or other area shall be organized within this state under and by virtue of any law thereof, adjacent to or within two miles of the limits of any city of the first, second, third or fourth classification or any constitutional charter city, unless the city, town, village or other area be in a different county from the city **or unless the city, town or village is located partially within any county of the first classification without a charter form of government and with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants and partially within any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants,** except that a city, town, village or other area may be incorporated within the two-mile area if a petition signed by a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated is presented to the existing city requesting that the boundaries of the existing city be extended to include the area proposed to be incorporated and if action taken thereon by the existing city is unfavorable to the petition, or if no action is taken by the existing city on the petition, then the city, town, village or other area may be incorporated after the expiration of one year from the date of the petition and upon a favorable majority vote on the question."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1712, Page 2, Section 347.143, Line 24, by inserting after all of said line the following:

"349.010. As used in sections 349.010 to 349.100, unless the context otherwise requires, the following words and terms shall have the meanings indicated:

(1) "Corporations" means any authority organized pursuant to the provisions of sections 349.010 to 349.100.

(2) ["County and municipality".] "County" means any county in the state. ["Municipality" means any city, incorporated town or village in the state.]

(3) "Governing body" shall mean the board or body in which the general legislative powers of the county or municipality are vested.

(4) **"Municipality" means any city, incorporated town or village in the state.**

(5) "Project" means the purchase, construction, extension and improvement of plants, buildings, structures, or facilities, whether or not now in existence, including the real estate, used or to be used as a factory, assembly plant, manufacturing plant, processing plant, fabricating plant, distribution center, warehouse building, public facility, waterborne vessels excepting commercial passenger vessels for hire in a city not within a county built prior to 1950, office building, for-profit or not-for-profit hospital, not-for-profit nursing or retirement facility or combination thereof, physical fitness, recreational, indoor and resident outdoor facilities operated by not-for-profit organizations, **child or adult day care facilities operated by not-for-profit organizations**, commercial or agricultural facility, or facilities for the prevention, reduction or control of pollution. Included in all of the above shall be any required fixtures, equipment and machinery. Excluded are facilities designed for the sale or distribution to the public of electricity, gas, water or telephone, together with any other facilities for cable television and those commonly classified as public utilities. Projects of a municipal authority must be located wholly within the incorporated limits of the municipality except that such projects may be located outside the corporate limits of such municipality and within the county in which the municipality is located with permission of the governing body of the county. Projects of a county authority must be located within an unincorporated area of such county except that such projects may be located within the incorporated limits of a municipality within such county, when approved by the governing body of the municipality."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SS for SCS for HB 1712**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS for SCS for HB 1712**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Schneider	Staples--3	
Absent with leave--Senator DePasco--1			

Senator Gibbons assumed the Chair.

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Loudon moved that **SCS for SB 1093**, with **HCS**, be taken up for 3rd reading and final passage, which motion

prevailed.

HCS for **SCS** for **SB 1093**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1093

An Act to repeal section 301.131, RSMo, and to enact in lieu thereof one new section relating to historic motor vehicles, with penalty provisions.

Was taken up.

Senator Loudon moved that **HCS** for **SCS** for **SB 1093** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Coleman	Russell	Schneider	Staples--4
	Absent with leave--Senator DePasco--1		

On motion of Senator Loudon, **HCS** for **SCS** for **SB 1093** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick

Staples--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Rohrbach moved that **SS** for **SCS** for **SB 1009**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 1009**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1009

An Act to repeal sections 375.330, 375.345, 376.307, 376.311, 376.671, 376.951, 376.952, 376.955, 376.957, and 379.080 RSMo, and to enact in lieu thereof fourteen new sections relating to investments by insurance companies.

Was taken up.

Senator Rohrbach moved that **HCS** for **SS** for **SCS** for **SB 1009** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Goode	Quick	Russell
Staples--5			
Absent with leave--Senator DePasco--1			

On motion of Senator Rohrbach, **HCS** for **SS** for **SCS** for **SB 1009** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			

Bland	Goode	Schneider	Staples--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Kennedy moved that **SB 1078**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1078**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1078

An Act to repeal sections 59.800 and 400.9-525, RSMo, and to enact in lieu thereof two new sections relating to the recording fees.

Was taken up.

Senator Kennedy moved that **HCS** for **SB 1078** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None			
Absent--Senators			
Goode	Russell	Schneider	Staples--4
Absent with leave--Senator DePasco--1			

On motion of Senator Kennedy, **HCS** for **SB 1078** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall

Wiggins	Yeckel--30	
	NAYS--Senators--None	
	Absent--Senators	
Quick	Schneider	Staples--3
	Absent with leave--Senator DePasco--1	

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Foster moved that the Senate refuse to recede from its position on **SCS** for **HB 1313** and grant the House a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Russell, Chairman of the Committee on Appropriations, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1120**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 1121**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 74**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Kinder referred **SCR 75** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HCS** for **HB 1868**--Pensions and General Laws.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 2120**. Representatives: Hosmer, Britt, Kelly (36), Ridgeway, Mayer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1635** and has taken up and passed **SCS** for **HB 1635**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1636** and has taken up and passed **SCS** for **HB 1636**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 1890** and has taken up and passed **SCS** for **HB 1890**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 1241, 1253** and **1189**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 758** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 795** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 980** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 1086** and **1126** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 2080** and has taken up and passed **SCS** for **HB 2080**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1568** and has taken up and passed **SCS** for **HB 1568**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1381** and has taken up and passed **SCS** for **HB 1381**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 966**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 798**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 745**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed for **SB 726**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 46**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 656**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 36**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 37**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up

adopted and third read **SCS** for **SCR 47**.

Concurrent Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 54**.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 758**: Senators Bentley, Childers, Sims, Dougherty and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 795**: Senators Schneider, Goode, Klarich, Steelman and Gibbons.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1313**: Senators Foster, Childers, Gross, Johnson and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 980**: Senators Singleton, Sims, Foster, Schneider and Johnson.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1691, regarding Joyce White Hunt, Warrensburg, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1692, regarding Gloria Guinn, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1693, regarding Michael A. Trumper, Macon County, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1694, regarding Janice M. Teter, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1695, regarding John Williams, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1696, regarding Kenneth Hoover, State Fire Chief of the Year, Little Dixie, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1697, regarding Alan Shaw, Vandalia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1698, regarding KMFC Radio, Centralia, which was adopted.

Senator Kenney offered Senate Resolution No. 1699, regarding Benjamin Alexander "Ben" Afton, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1700, regarding Brian Michael Cavender, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1701, regarding Nicholas Alan "Nick" McWilliams, which was adopted.

Senator Kenney offered Senate Resolution No. 1702, regarding Nathaniel James "Nate" McWilliams, which was adopted.

Senator Kenney offered Senate Resolution No. 1703, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Robert Springston, Blue Springs, which was adopted.

Senator Caskey offered Senate Resolution No. 1704, regarding Cara Dawn Phelps, Peculiar, which was adopted.

Senator Quick offered Senate Resolution No. 1705, regarding Kyle Jackson McNabb, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1706, regarding Daniel Edward "Danny" Reckman, Kansas City, which was adopted.

COMMUNICATIONS

Senator Kenney submitted the following:

May 7, 2002

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the St. Louis City Caucus.

A list of members is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

Members of the St. Louis City Caucus

Senator Pat Dougherty Senator Harry Kennedy

Senator Maida Coleman Rep. Amber Boykins

Rep. James O'Toole Rep. Russ Carnahan

Rep. Toby Paone Rep. Michael Daus

Rep. O.L. Shelton Rep. Derio Gambaro

Rep. Charles Quincy Troupe Rep. Robert Hilgemann

Rep. Thomas Villa Rep. Connie Johnson

Rep. Anthony Walker Rep. Robin Wright Jones

Also,

May 7, 2002

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the St. Louis Area Caucus.

A list of members is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

Members of the St. Louis Area Caucus

Senator Pat Dougherty Senator David Klarich

Senator Anita Yeckel Senator Betty Sims

Senator Harry Kennedy Senator Maida Coleman

Senator Wayne Goode Senator John Schneider

Senator Michael Gibbons Senator John Loudon

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Lisa Schoonover, Mary Jo Sawyer, Pearl McGrann, Rhonda Eddy, Brenda Healy, Tina Hollon, Kelly Dickson, Donnie Troester, Teresa Brittan, Lana Ledferd, Anna Diaz and students from Milan C-2 School, Milan.

Senator Klindt introduced to the Senate, Andrea Jean Baker, Florissant; and Andrea Jean was made an honorary page.

On behalf of Senator Jacob, Senator Sims introduced to the Senate, Peggy Crabtree, Carol Ann Wamsley, Debbie Teats and Virginia King, representatives of Isle of Capri Casino, Boonville.

Senator Foster introduced to the Senate, Charles Czerwonka and students from Doniphan Christian School, Doniphan; and Todd Patterson, Cody Asay, Samantha Anderson, Candice Dickerson, Travis Moe and Brandon Jolly were made honorary pages.

On behalf of Senator Singleton and himself, the President introduced to the Senate, Lindsay Runnels, Jasper.

Senator Steelman introduced to the Senate, Kyle Auxier, St. James.

Senator Staples introduced to the Senate, his grandson, Danny Staples, Jim and Laird Thompson and Shane

VanSteenis, Eminence; and Danny was made an honorary page.

Senator Stoll introduced to the Senate, Dan and Mary Byers, DeSoto; and Nick Byers and Ryan Amsden, Festus; and Nick and Ryan were made honorary pages.

Senator Rohrbach introduced to the Senate, seventh grade students from St. Andrew School, Tipton; and Rosemary Raymond, Alyssa Elliott, Mark Allison, Cody Koechner, Calen Knipp and Jorell Kutenkuler were made honorary pages.

Senator Singleton introduced to the Senate, representatives of the American Stroke Association from the 32nd Senatorial District.

Senator Caskey introduced to the Senate, Mr. Ken Bobbitt, Mrs. Laura Hunter and 100 fourth grade students and sponsors from Knob Noster Elementary School, Knob Noster.

Senator Staples introduced to the Senate, Mickey Gage and representatives of the Brotherhood of Locomotive Engineers, Missouri State Legislative Board.

Senator Caskey introduced to the Senate, Mrs. Shirley Dimmit, Mrs. Carla Kratz, Dr. Jeff Mehlenbacher and 125 seventh grade students and sponsors from Yeokum Middle School, Belton.

Senator Stoll introduced to the Senate, John, Kay, Buz, Mary, Roger and Chase Kaido, Jefferson County; and Roger and Chase were made honorary pages.

Senator Russell introduced to the Senate, Mary Vitor and Guenther Wagner Von Hoff, Osage Beach.

Senator Klarich introduced to the Senate, Rick Sullivan, Rick Oertli, Kathy Osborn, John Capps, Mike Zychinski, Paul J. McKee, Jr., L.B. Eckelkamp, Greg Sullivan and Stephen P. Marsh, St. Louis.

On behalf of Senator Rohrbach and himself, Senator Kennedy introduced to the Senate, Brandy Luetkemeyer, Maryland Heights; Jackie Luetkemeyer, St. Elizabeth; and Nikki Luetkemeyer, Jefferson City.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Andy Evans, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Wednesday, May 8, 2002.

SENATE CALENDAR

SIXTY-EIGHTH DAY-WEDNESDAY, MAY 8, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and
Russell, with SCS

HOUSE BILLS ON THIRD READING

1. HS for HB 1994-Hosmer
(Bentley)

2. HCS for HB 1443, with
SCS (Gibbons)

3. HB 1041-Myers, with
SCS (Childers)

4. HB 1600-Treadway
(Mathewson)

5. HB 2008-O'Connor,
with SCS (Kenney)

6. HS for HCS for HB
1532-Hoppe, with SCS
(Gross)

7. HB 1348-Myers, et al,

with SCS (Foster)

8. HB 1402-Burton, et al,

with SCS (Steelman)

9. HB 2023-Franklin,

with SCA 1 (Foster)

10. HB 1086-Harlan, with

SCS (House)

11. HB 1926-Fraser, et al

(Quick)

12. HB 2078-Clayton

(Rohrbach)

13. HS for HCS for HBs

1502 & 1821-Luetkenhaus, with

SCS (Rohrbach)

14. HB 1196-Barnett, et al,

with SCS (Westfall)

15. HBs 1489 & 1850-Britt,

with SCS (Steelman)

(In Budget Control)

16. HS for HCS for HB

1962-Monaco, with SCS

(In Budget Control)

17. HCS for HB 1817, with

SCS (Bentley)

18. HB 1773-Shelton and

Carnahan, with SCS

19. HS for HCS for HBs 1461

& 1470-Seigfreid, with

SCS (Yeckel)

(In Budget Control)

20. HB 1748-Ransdall

(Steelman)

(In Budget Control)

21. HCS for HBs 1150, 1237

& 1327, with SCS

(Gibbons)

(In Budget Control)

22. HS for HB 1455-O'Toole,

with SCS (Gross)

23. HB 1508-Koller, with

SCS (Westfall)

(In Budget Control)

24. HCS for HBs 1344 &

1944, with SCS (Caskey)

25. HB 1679-Crump, with SCS

& point of order (Sims)

26. HCS for HB 1898, with

SCS (Goode)

(In Budget Control)

27. HCS for HB 1403, with

SCS (Foster)

28. HB 1988-Kelly (144)

29. HS for HCS for HB 1906-

Green (73), with SCS

(Kenney)

30. HS for HCS for HB 1756-

Reid (Klarich)

31. HCS for HB 1120 (Russell)

32. HB 1121-Green (73),

with SCS (Russell)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS (pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al,
with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and
Kinder, with SCS

SBs 766, 1120 & 1121-
Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with
SCS, SS for SCS & SA 4
(pending)

SB 926-Kenney, et al,
with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al, with SCS

SB 1046-Gross and House,
with SCS (pending)

SB 1052-Sims, with SCS,
SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach
and Kenney, with SCS, SS

for SCS & SA 3 (pending)

SB 1087-Gibbons, et al,
with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,
with SS and SA 3 (pending)

SB 1103-Westfall, et al,
with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

HOUSE BILLS ON THIRD READING

HBs 1270 & 2032-Gratz,
with SCS (Westfall)

HB 1446-Luetkenhaus, with
SCS, SS for SCS & SA 5
(pending) (Kenney)

HCS for HB 1888, with SCS

(Westfall)

HB 1953-Van Zandt, et al,

with SCS (Singleton)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,

with SCS (pending)

(Coleman)

SCS for HB 1811-Gambaro

(Dougherty)

(In Budget Control)

HB 1085-Mays (50) (Quick)

HB 1468-Ward, with SCS

(Loudon)

HB 1473-Green (15), et al,

with SCS (House)

HB 1918-Koller, with SCS

(Staples)

HBs 1093, 1094, 1159, 1204,

1242, 1272, 1391, 1397,

1411, 1624, 1632, 1714,

1755, 1778, 1779, 1852,

1862, 2025 & 2123-Relford

and Seigfreid, with SCS

(Mathewson)

HBs 1141, 1400, 1645, 1745

& 2026-Naeger, with SCS

(Yeckel)

HBs 1205, 1214, 1314, 1320,

1504, 1788, 1867 & 1969-

Seigfreid and Relford, with

SCS (Mathewson)

HB 1075-Nordwald (House)

HB 2062-Hosmer, et al

(Westfall)

HB 1789-Ross, et al, with

SCS (Klarich)

HB 1643-Holand and Barry

(Singleton)

SCS for SB 645-Mathewson,

with HCS

SB 895-Yeckel and Gross,

with HS for HCS, as amended

SB 1041-Russell, with

HCA's 1, 2 & 3

SCS for SB 1070-Gibbons,

with HCS

SB 1094-Russell, with HCS

SB 1102-Westfall, with HCS

SCS for SB 1113-Caskey, with HCS

SB 1119-Johnson, with HCS

SB 1168-Russell, with HCA 1

SB 1199-Foster, with HCA 1

SCS for SB 1202-Westfall,

with HCS

SCS for SB 1212-Mathewson,

with HCS

SB 1213-Mathewson, with HCS

SB 1244-Bland, et al, with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 758-Bentley, with HCS

SB 795-Schneider, with HCS

SCS for SB 980-Singleton

and Schneider, with HCS

SCS for SBs 1086 & 1126-

DePasco & Quick, with

HCS

SS for SB 1248-Mathewson,

with HS for HCS, as amended

HCS for HB 1101, with SCS

(Russell)

HCS for HB 1102, with SCS,

as amended (Russell)

HCS for HB 1103, with SCS,

as amended (Russell)

HCS for HB 1104, with SCS,

as amended (Russell)

HCS for HB 1105, with SCS

(Russell)

HCS for HB 1106, with SCS

(Russell)

HCS for HB 1107, with SCS,

as amended (Russell)

HCS for HB 1108, with SCS

(Russell)

HCS for HB 1109, with SCS

(Russell)

HCS for HB 1110, with SCS

(Russell)

HCS for HB 1111, with SCS,

as amended (Russell)

HCS for HB 1112, with SCS

(Russell)

HB 1313-Burton, with SCS

(Foster)

HB 2120-Ridgeway and

Hosmer, with SCS (Gibbons)

Requests to Recede or Grant Conference

SB 1220-Sims, with HS, as

amended

(Senate requests House

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

SR 1602-Klarich, with SS

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

SCR 60-Kennedy, with SCS

(pending)

SCR 57-Steelman, with SCS

& SS for SCS (pending)

HCR 13-Bowman, et al

(Caskey)

HCR 24-Kreider (Westfall)

SCR 69-Schneider, et al

HCR 4-Boucher (Bentley)

HCR 25-Meredith (Foster)

HCR 18-Wilson (42)

(Mathewson)

SCR 74-Childers, et al

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-EIGHTH DAY--WEDNESDAY, MAY 8, 2002

The Senate met pursuant to adjournment.

Senator Singleton in the Chair.

Reverend Carl Gauck offered the following prayer:

Dear God, as we celebrate the birthday of President Truman, we remember the many hard decisions and tough sayings that were part of the man and administration that served our country so well. Help us also to be willing to make hard decisions, recognizing that with each vote that is called forth we must act responsibly, doing what is most helpful to the people of this state. Provide us wisdom and courage to do so, O Lord. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1707, regarding Kayla Horn, Hamilton, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1468, with **SCS**, introduced by Representative Ward, entitled:

An Act to repeal sections 379.362, 379.889, 379.890, and 379.893, RSMo, and to enact in lieu thereof one new section relating to commercial insurance.

Was called from the Consent Calendar and taken up by Senator Loudon.

SCS for **HB 1468**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1468

An Act to repeal sections 375.775, 376.1350, 379.321, 379.362, 379.889 and 379.890, RSMo, relating to commercial lines of insurance, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Loudon moved that **SCS** for **HB 1468** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HB 1468** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Klarich	Staples
Stoll--5			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1473, with **SCS**, introduced by Representative Green (15), et al, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

Was called from the Consent Calendar and taken up by Senator House.

SCS for **HB 1473**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1473

An Act to repeal section 376.1350, RSMo, relating to health insurance, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **HB 1473** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **HB 1473** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1918, with **SCS**, introduced by Representative Koller, entitled:

An Act to repeal section 304.235, RSMo, and to enact in lieu thereof one new section relating to avoidance of weigh stations.

Was called from the Consent Calendar and taken up by Senator Staples.

SCS for **HB 1918**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1918

An Act to repeal section 304.235, RSMo, relating to avoidance of weigh stations, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Staples moved that **SCS** for **HB 1918** be adopted.

Senator Steelman raised the point of order that **SCS** for **HB 1918** and **HB 1918** are out of order as they are in violation of **SR 45**.

The point of order was referred to the President Pro Tem, who ruled it well taken.

HB 1093, introduced by Representatives Relford and Seigfreid, **HB 1094**, introduced by Representatives Relford and Seigfreid, **HB 1159**, introduced by Representative Boykins, **HB 1204**, introduced by Representatives Seigfreid and Relford, **HB 1242**, introduced by Representative Griesheimer, **HB 1272**, introduced by Representative Smith, **HB 1391**, introduced by Representative Smith, **HB 1397**, introduced by Representative Ransdall, **HB 1411**, introduced by Representative Skaggs, **HB 1624**, introduced by Representative Skaggs, et al, **HB 1632**, introduced by Representative O'Connor, **HB 1714**, introduced by Representatives Hilgemann and Shelton, **HB 1755**, introduced by Representative Merideth, et al, **HB 1778**, introduced by Representative Monaco, **HB 1779**, introduced by Representative Green (73), **HB 1852**, introduced by Representative Villa, **HB 1862**, introduced by Representative May (149), et al, **HB 2025**, introduced by Representative Walton, et al, and **HB 2123**, introduced by Representative Barry, et al, with **SCS**, entitled respectively:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

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An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a Hearing Impaired Kids Endowment Fund, Inc., license plate.

An Act to amend chapter 301, RSMo, by adding thereto three new sections relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a fraternal order of police license plate.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a St. Louis College of Pharmacy special license plate.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates for Rotary International members.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Were called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **HB 1093, HB 1094, HB 1159, HB 1204, HB 1242, HB 1272, HB 1391, HB 1397, HB 1411, HB 1624, HB 1632, HB 1714, HB 1755, HB 1778, HB 1779, HB 1852, HB 1862, HB 2025 and HB 2123**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1093, 1094, 1159, 1204,

1242, 1272, 1391, 1397, 1411, 1624, 1632, 1714,
1755, 1778, 1779, 1852, 1862, 2025 and 2123

An Act to repeal section 301.469, RSMo, relating to special license plates and to enact in lieu thereof twenty-five new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS for HB 1093, HB 1094, HB 1159, HB 1204, HB 1242, HB 1272, HB 1391, HB 1397, HB 1411, HB 1624, HB 1632, HB 1714, HB 1755, HB 1778, HB 1779, HB 1852, HB 1862, HB 2025 and HB 2123** be adopted.

Senator Mathewson requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Mathewson offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1093, House Bill No. 1094, House Bill No. 1159, House Bill No. 1204, House Bill No. 1242, House Bill No. 1272, House Bill No. 1391, House Bill No. 1397, House Bill No. 1411, House Bill No. 1624, House Bill No. 1632, House Bill No. 1714, House Bill No. 1755, House Bill No. 1778, House Bill No. 1779, House Bill No. 1852, House Bill No. 1862, House Bill No. 2025 and House Bill No. 2123, Page 3, Section 301.2999, Line 6, by deleting "(3)".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SCS for HB 1093, HB 1094, HB 1159, HB 1204, HB 1242, HB 1272, HB 1391, HB 1397, HB 1411, HB 1624, HB 1632, HB 1714, HB 1755, HB 1778, HB 1779, HB 1852, HB 1862, HB 2025 and HB 2123**, as amended, be adopted, which motion prevailed.

Senator Mathewson moved that **SCS for HB 1093, HB 1094, HB 1159, HB 1204, HB 1242, HB 1272, HB 1391, HB 1397, HB 1411, HB 1624, HB 1632, HB 1714, HB 1755, HB 1778, HB 1779, HB 1852, HB 1862, HB 2025 and HB 2123**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Kinder referred **SCS for HB 1093, HB 1094, HB 1159, HB 1204, HB 1242, HB 1272, HB 1391, HB 1397, HB 1411, HB 1624, HB 1632, HB 1714, HB 1755, HB 1778, HB 1779, HB 1852, HB 1862, HB 2025 and HB 2123** to the Committee on State Budget Control.

CONCURRENT RESOLUTIONS

Senator Schneider moved that **SCR 69** be taken up for adoption, which motion prevailed.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 69, Page 1, Line 38, by adding after the word "relationship" the following:
"as soon as the United States embargo is lifted".

Senator Loudon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Jacob, Kenney, Gross and Kennedy.

Senator Rohrbach assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Foster	Gibbons	Gross	Jacob
Kennedy	Loudon	Rohrbach--7	
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Goode	House
Johnson	Kenney	Kinder	Klarich
Klindt	Quick	Schneider	Sims
Singleton	Steelman	Stoll	Wiggins
Yeckel--21			
Absent--Senators			
Bland	Mathewson	Russell	Staples
Westfall--5			
Absent with leave--Senator DePasco--1			

On motion of Senator Schneider, **SCR 69** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	House
Johnson	Kenney	Kinder	Klarich
Klindt	Quick	Rohrbach	Schneider
Sims	Singleton	Steelman	Stoll
Wiggins	Yeckel--22		
NAYS--Senators			
Gibbons	Gross	Jacob	Kennedy
Loudon--5			
Absent--Senators			
Bland	Goode	Mathewson	Russell
Staples	Westfall--6		
Absent with leave--Senator DePasco--1			

HOUSE BILLS ON THIRD READING

Senator Kenney moved that **HB 1446**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Kenney, **HB 1446**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

HCS for **HB 1888**, with **SCS**, entitled:

An Act to repeal sections 367.031 and 367.055, RSMo, and to enact in lieu thereof two new sections relating to use of pawnshop databases for law enforcement purposes, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Westfall.

SCS for **HCS** for **HB 1888**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1888

An Act to repeal sections 367.031, 367.044 and 367.055, RSMo, relating to stolen property, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **HCS** for **HB 1888** be adopted.

Senator Westfall offered **SS** for **SCS** for **HCS** for **HB 1888**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1888

An Act to repeal sections 150.465, 191.905, 252.235, 367.031, 367.044, 367.055, 569.095, 569.097, 569.099, 570.010, 570.020, 570.030, 570.040, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo, relating to stolen property and services, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Senator Westfall moved that **SS** for **SCS** for **HCS** for **HB 1888** be adopted, which motion prevailed.

Senator Childers assumed the Chair.

On motion of Senator Westfall, **SS** for **SCS** for **HCS** for **HB 1888** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Staples--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Singleton moved that the conference be dissolved on **HCS** for **SCS** for **SB 980** and that the bill be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 980**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 980

An Act to repeal section 334.540, RSMo, and to enact in lieu thereof one new section relating to the licensing of physical therapists.

Was taken up.

Senator Singleton moved that **HCS** for **SCS** for **SB 980** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Quick	Schneider	Staples--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Singleton, **HCS** for **SCS** for **SB 980** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Jacob	Quick	Rohrbach	Staples--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Gibbons moved that **SCS** for **SB 1070**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1070**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1070

An Act to repeal sections 43.540, 547.170, 589.400, and 589.410, RSMo, and to enact in lieu thereof four new sections relating to protection of children, with penalty provisions.

Was taken up.

Senator Gibbons moved that **HCS** for **SCS** for **SB 1070** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Quick	Staples--2		

Absent with leave--Senator DePasco--1

On motion of Senator Gibbons, **HCS** for **SCS** for **SB 1070** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick Staples--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 1113**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1113**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1113

An Act to repeal sections 58.260, 58.270, 58.310, 58.330, 58.340 and 58.360, RSMo, relating to coroners, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **HCS** for **SCS** for **SB 1113** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Schneider	Sims	Singleton	Steelman

Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Goode	Mathewson	Quick	Russell
Staples--5			
	Absent with leave--Senator DePasco--1		

On motion of Senator Caskey, **HCS** for **SCS** for **SB 1113** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Quick	Russell	Staples--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 2009** and has taken up and passed **SCS** for **HB 2009**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 1220**, as amended, and grants the Senate a conference thereon.

On motion of Senator Kenney, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

HOUSE BILLS ON THIRD READING

HB 1205, introduced by Representatives Seigfreid and Relford, **HB 1214**, introduced by Representatives Davis and Cooper, **HB 1314**, introduced by Representatives Mays (50) and Burton, **HB 1320**, introduced by Representative Reid, et al, **HB 1504**, introduced by Representative Liese, **HB 1788**, introduced by Representative Ross, et al, **HB 1867**, introduced by Representative Griesheimer and **HB 1969**, introduced by Representative Reid, with **SCS**, entitled respectively:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a civil air patrol license plate.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special motorcycle license plates for veterans.

An Act to repeal section 301.441, RSMo, and to enact in lieu thereof one new section relating to license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to repeal section 301.448, RSMo, and to enact in lieu thereof one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Were called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **HB 1205**, **HB 1214**, **HB 1314**, **HB 1320**, **HB 1504**, **HB 1788**, **HB 1867** and **HB 1969**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1205, 1214, 1314, 1320,
1504, 1788, 1867 and 1969

An Act to repeal sections 301.441 and 301.448, RSMo, and to enact in lieu thereof ten new sections relating to special license plates.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 1205**, **HB 1214**, **HB 1314**, **HB 1320**, **HB 1504**, **HB 1788**, **HB 1867** and **HB 1969** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 1205**, **HB 1214**, **HB 1314**, **HB 1320**, **HB 1504**, **HB 1788**, **HB 1867** and **HB 1969** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Mathewson	Rohrbach	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--25			

NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Jacob	Klarich

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1075, introduced by Representative Nordwald, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the titling of certain property abandoned on privately owned real estate.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 1075** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
House	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Russell
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--22		
NAYS--Senator Staples--1			
Absent--Senators			
Bland	Coleman	Dougherty	Jacob
Johnson	Mathewson	Quick	Rohrbach
Schneider	Sims--10		
Absent with leave--Senator DePasco--1			

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2062, introduced by Representative Hosmer, et al, entitled:

An Act to repeal sections 302.010, 302.304, 302.525, 302.535, 302.540, and 577.041, RSMo, and to enact in lieu thereof six new sections relating to restricted driving privilege.

Was called from the Consent Calendar and taken up by Senator Westfall.

On motion of Senator Westfall, **HB 2062** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons

Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Quick	Schneider--3	
	Absent with leave--Senator DePasco--1		

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1789, with **SCS**, introduced by Representative Ross, et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Was called from the Consent Calendar and taken up by Senator Klarich.

SCS for **HB 1789**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1789

An Act to repeal sections 301.129, 301.131 and 301.453, RSMo, relating to special license plates, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klarich moved that **SCS** for **HB 1789** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **HB 1789** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senator Gibbons--1		
	Absent--Senators		
Coleman	Goode	Quick	Schneider--4
	Absent with leave--Senator DePasco--1		

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Steelman moved that **SCR 57**, with **SCS** and **SS** for **SCS** (pending), be again taken up for adoption, which motion prevailed.

SS for **SCS** for **SCR 57** was again taken up.

At the request of Senator Dougherty, **SS** for **SCS** for **SCR 57** was withdrawn.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Concurrent Resolution No. 57, Page 898, Column 2, Line 13 of the Senate Journal for Thursday, April 18, 2002, Line 13 of said column, by inserting after all of said line the following:

"WHEREAS, rates of return must not be set in such a way as to expose Missouri consumers and workers to the dangers of unaffordable, unreliable, unstably priced service in the name of encouraging investment; and"; and

Further amend said resolution, Page 898, Column 2, Line 17 of said column, by inserting after all of said line the following:

"WHEREAS, there is an increasing trend among energy and utility companies toward proliferation of subsidiary corporations, complex relationships and the movement of assets among these subsidiaries, the increasing reliance on business strategies which seek to separate the production of energy and the provision of service from speculation in energy as an abstract commodity; and

WHEREAS, this trend has complicated the regulatory task in Missouri in a variety of ways; and

WHEREAS, this trend calls for more effective public oversight of an increasingly complex energy market so as to prevent the harm to consumers, shareholders and workers that can result from the financial instability and lack of accountability; and

WHEREAS, the utility regulatory process could benefit from being evaluated at this time so as to ensure the ability of regulatory process to ensure reliable, affordable and stably priced utility service and promote the interests of fairness and balance among all constituencies, including consumers, workers and shareholders of regulated utility companies; and".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Steelman moved that **SCS** for **SCR 57**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCR 57**, as amended by the **SCS**, was adopted by the following vote:

YEAS--Senators

Bentley

Bland

Caskey

Cauthorn

Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Coleman	Russell	Singleton--3
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Absent with leave--Senator DePasco--1

Senator Childers moved that **SCR 74** be taken up for adoption, which motion prevailed.

On motion of Senator Childers, **SCR 74** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Sims	Singleton	Steelman	Westfall
Wiggins	Yeckel--26		

NAYS--Senators--None

Absent--Senators

Coleman	Goode	Rohrbach	Russell
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Schneider	Staples	Stoll--7
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Absent with leave--Senator DePasco--1

Senator Klarich requested unanimous consent of the Senate to strike **SR 1602**, with **SS** (pending), from the Calendar, which request was granted.

Senator Bentley moved that **HCR 4** be taken up for adoption, which motion prevailed.

On motion of Senator Bentley, **HCR 4** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24

NAYS--Senators

Dougherty	Gibbons	Jacob	Kennedy
Singleton--5			

Absent--Senators

Coleman	Goode	Quick	Schneider--4
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Absent with leave--Senator DePasco--1

Senator Caskey moved that **HCR 13** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **HCR 13** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senator Gibbons--1			
Absent--Senators			
Goode	Gross	Russell	Schneider
Singleton	Staples--6		
Absent with leave--Senator DePasco--1			

Senator Kennedy moved that **SCR 60**, with **SCS** (pending), be again taken up for adoption, which motion prevailed.

SCS for **SCR 60** was again taken up.

Senator Kennedy offered **SS** for **SCS** for **SCR 60**:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 60

WHEREAS, the State of Missouri recognizes the critical importance of information technology to its government, industry and local economy; and

WHEREAS, high technology has made enormous contributions to Missouri's economic growth and competitiveness; and

WHEREAS, the high technology industry is one of the most vibrant sectors of Missouri's economy, with over 3,670 high technology companies employing 21,300 Missouri residents and generating over \$1 billion in annual wages; and

WHEREAS, high technology jobs are high-paying, high-skill, dynamic, and adaptable, with the average Missouri high technology worker earning \$50,000 a year; and

WHEREAS, the positive economic impact of high technology in Missouri does not end with workers in well-paid high technology jobs, but extends to the businesses that provide goods and services to high technology companies, resulting in an overall impact of 66,100 jobs and more than \$2.4 billion in wages for Missouri residents; and

WHEREAS, software piracy represents one of the greatest threats to the continued growth of Missouri's high technology industry, with software piracy costing the Missouri economy nearly 1,900 jobs and \$80 million in wages annually; and

WHEREAS, software piracy robs \$15.1 million annually from the State of Missouri in lost tax revenues; and

WHEREAS, software piracy can have a serious chilling effect on creativity, innovation, and profitability in the vital high technology sector of Missouri's economy; and

WHEREAS, counterfeit and other forms of pirated software expose consumers, including state agencies, to the risk of computer viruses, reduced technical support, and other problems that prevent the efficient operation of information systems; and

WHEREAS, due to the destructive impact of software piracy on the Missouri economy and consumers, the Missouri General Assembly recognizes

the need to develop a comprehensive statewide response to combat the use of unlicensed software in all state agencies and promote sound management of state information systems:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Governor to take the necessary steps to:

- (1) Cause each state agency to work diligently to prevent and combat computer software piracy;
- (2) Cause each state agency to be knowledgeable of relevant provisions of federal law, including the federal copyright acts and all applicable licensing restrictions; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor of Missouri.

Senator Kennedy moved that **SS** for **SCS** for **SCR 60** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCR 60**, as amended by **SS** for **SCS**, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Goode	Rohrbach	Russell	Schneider
Staples--5			
Absent with leave--Senator DePasco--1			

PRIVILEGED MOTIONS

Senator Mathewson moved that **SB 1213**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1213**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1213

An Act to repeal sections 388.610 and 388.640, RSMo, and to enact in lieu thereof two new sections relating to railroad corporations.

Was taken up.

Senator Mathewson moved that **HCS** for **SB 1213** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Russell	Schneider	Staples--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Mathewson, **HCS** for **SB 1213** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Rohrbach	Russell	Schneider	Staples--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bland moved that **SB 1244**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1244**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1244

An Act to repeal section 191.925, RSMo, relating to the newborn hearing screening program, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bland moved that **HCS** for **SB 1244** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob

Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Goode	Russell	Schneider	Staples--4
	Absent with leave--Senator DePasco--1		

On motion of Senator Bland, **HCS** for **SB 1244** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Goode	Rohrbach	Russell	Schneider
Staples--5			
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Westfall moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 1202** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **HCS** for **HB 1811**; **HB 1508**, with **SCS**; **HCS** for **HBs 1150, 1237 and 1327**, with **SCS**; **HB 1748**; **HS** for **HCS** for **HBs 1461 and 1470**, with **SCS**; **HS** for **HCS** for **HB 1962**, with **SCS**; **HB 1489** and **HB 1850**, with **SCS**; and **SCS** for **HB 1093, HB 1094, HB 1159, HB 1204, HB 1242, HB 1272, HB 1391, HB 1397, HB 1411, HB 1624, HB 1632, HB 1714, HB 1755, HB 1778, HB 1779, HB 1852, HB 1862, HB 2025 and HB 2123**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SCS for **SB 954**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 954

An Act to repeal section 288.030, RSMo, relating to employment security definitions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **SCS** for **SB 954** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Goode	Russell	Schneider--3
	Absent with leave--Senator DePasco--1	

President Pro Tem Kinder assumed the Chair.

The President Pro Tem declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Kenney moved that **HB 1446**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Singleton, the above amendment was withdrawn.

SS for **SCS** for **HB 1446** was again taken up.

At the request of Senator Kenney, **SS** for **SCS** for **HB 1446** was withdrawn.

Senator Kenney offered **SS No. 2** for **SCS** for **HB 1446**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1446

An Act to repeal sections 33.103, 103.095, 194.220, 194.230, 354.085, 354.405, 354.603, 376.1209 and 376.1350, RSMo, and to enact in lieu thereof eighteen new sections relating to health insurance, with an effective date for a certain section.

Senator Kenney moved that **SS No. 2** for **SCS** for **HB 1446** be adopted.

Senator Kenney offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Pages 38-41, Section 376.1575, Line 24, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 30, Section 376.125, Line 8, by inserting immediately after the word "shall", the following: "inform the patient that the patient has the right to a timely referral for a second opinion by an appropriate specialist within the provider network regarding the treatment of the patient's type of cancer.".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 25, Section 354.603, Line 2, by inserting after all of said line the following:

"354.606. 1. This act shall be known as the "Patient Freedom of Choice Act of 2002".

[1.] **2.** A health carrier shall establish a mechanism by which the participating provider shall be notified on an ongoing basis of the specific covered health services for which the provider shall be responsible, including any limitations or conditions on services.

[2.] **3.** Every contract between a health carrier and a participating provider shall set forth a hold harmless provision specifying protection for enrollees. This requirement shall be met by including a provision substantially similar to the following:

"Provider agrees that in no event, including but not limited to nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary, or breach of this agreement, shall the provider bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrollee or a person, other than the health carrier or intermediary, acting on behalf of the enrollee for services provided pursuant to this agreement. This agreement shall not prohibit the provider from collecting coinsurance, deductibles or co-payments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to enrollees. This agreement shall not prohibit a provider, except for a health care professional who is employed full time on the staff of a health carrier and has agreed to provide service exclusively to that health carrier's enrollees and no others, and an enrollee from agreeing to continue services solely at the expense of the enrollee, as long as the provider has clearly informed the enrollee that the health carrier may not cover or continue to cover a

specific service or services. Except as provided herein, this agreement does not prohibit the provider from pursuing any available legal remedy; including, but not limited to, collecting from any insurance carrier providing coverage to a covered person."

[3.] **4.** Every contract between a health carrier and a participating provider shall set forth that in the event of a health carrier's or intermediary's insolvency or other cessation of operations, covered services to enrollees shall continue through the period for which a premium has been paid to the health carrier on behalf of the enrollee or until the enrollee's discharge from an inpatient facility, whichever time is greater.

[4.] **5.** The contract provisions satisfying the requirements of subsections [2 and] 3 **and 4** of this section shall:

(1) Be construed in favor of the enrollee;

(2) Survive the termination of the contract regardless of the reason for termination, including the insolvency of the health carrier; and

(3) Supersede any oral or written contrary agreement between a provider and an enrollee or the representative of an enrollee if the contrary agreement is inconsistent with the hold harmless and continuation of covered services provisions required by subsections 2 and 3 of this section.

[5.] **6.** In no event shall a participating provider collect or attempt to collect from an enrollee any money owed to the provider by the health carrier nor shall a participating provider collect or attempt to collect from an enrollee any money in excess of the coinsurance, co-payments or deductibles. Failure of a health carrier to make timely payment of an amount owed to a provider in accordance with the provider's contract shall constitute an unfair claims settlement practice subject to sections 375.1000 to 375.1018, RSMo.

[6.] **7.** (1) A health carrier shall develop selection standards for participating primary care professionals and each participating health care professional specialty. Such standards shall be in writing and used in determining the selection of health care professionals by the health carrier, its intermediaries and any provider networks with which it contracts. Selection criteria shall not be established in a manner that will:

(a) Allow a health carrier to avoid a high-risk population by excluding a provider because such provider is located in a geographic area that contains a population presenting a risk of higher than average claims, losses or health services utilization; or

(b) Exclude a provider because such provider treats or specializes in treating a population presenting a risk of higher than average claims, losses or health services utilization;

(c) Deny a health care professional the opportunity to become a participating provider if such health care professional satisfies all of the selection standards established by the health carrier as defined in section 376.1350, RSMo, and if the health care professional is willing to accept the plan's operating terms and conditions, its schedule of fees, covered expenses, utilization regulations and quality standards. This subdivision shall not apply to supplemental insurance policies, including life care contracts, accident-only policies, specified disease policies, hospital policies providing a fixed daily benefit only, Medicare supplement policies, long-term care policies, coverage issued as a supplement to liability insurance, short-term major medical policies of six months or less duration and other supplemental policies as determined by the department of insurance. This subdivision shall only apply to any county of the first classification without a charter form of government and with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants; or

(d) Allow a health carrier, either directly or indirectly through intermediaries, to discriminate between healthcare providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses and when reimbursing amounts for covered services among persons duly licensed to provide such services.

- (2) Paragraphs (a) [and], (b) **and** (c) of subdivision (1) of this subsection shall not be construed to prohibit a health carrier from declining to select a provider who fails to meet the other legitimate selection criteria of the health carrier developed in compliance with sections 354.600 to 354.636.
- (3) The provisions of sections 354.600 to 354.636 shall not require a health carrier, its intermediaries or the provider networks with which it contracts, to employ specific providers or types of providers, or to contract with or retain more providers or types of providers than are necessary to maintain an adequate network.
- [7.] **8.** A health carrier shall file its selection standards for participating providers with the director. A health carrier shall also file any subsequent changes to its selection standards with the director. The selection standards shall be made available to licensed health care providers.
- [8.] **9.** A health carrier shall notify a participating provider of the provider's responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state programs.
- [9.] **10.** No contract between a health carrier and a provider for the delivery of health care service, entered into or renewed after August 28, 2001, shall require the mandatory use of a hospitalist. For purposes of this subsection, "hospitalist" means a physician who becomes a physician of record at a hospital for a patient of a participating provider and who may return the care of the patient to that participating provider at the end of hospitalization.
- [10.] **11.** A health carrier shall not offer an inducement under the managed care plan to a provider to provide less than medically necessary services to an enrollee.
- [11.] **12.** A health carrier shall not prohibit a participating provider from advocating in good faith on behalf of enrollees within the utilization review or grievance processes established by the health carrier or a person contracting with the health carrier.
- [12.] **13.** A health carrier shall require a provider to make health records available to appropriate state and federal authorities involved in assessing the quality of care but shall not disclose individual identities, or investigating the grievances or complaints of enrollees, and to comply with the applicable state and federal laws related to the confidentiality of medical or health records.
- [13.] **14.** The rights and responsibilities of a provider under a contract between a health carrier and a participating provider shall not be assigned or delegated by the provider without the prior written consent of the health carrier.
- [14.] **15.** A health carrier shall be responsible for ensuring that a participating provider furnishes covered benefits to all enrollees without regard to the enrollee's enrollment in the plan as a private purchaser of the plan or as a participant in a publicly financed program of health care service.
- [15.] **16.** A health carrier shall notify the participating providers of their obligations, if any, to collect applicable coinsurance, co-payments or deductibles from enrollees pursuant to the evidence of coverage, or of the providers' obligations, if any, to notify enrollees of their personal financial obligations for noncovered services.
- [16.] **17.** A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that may jeopardize patient health or welfare.
- [17.] **18.** A health carrier shall establish a mechanism by which a participating provider may determine in a timely manner whether a person is covered by the carrier.
- [18.] **19.** A health carrier shall not discriminate between health care professionals when selecting such professionals for enrollment in the network or when referring enrollees for health care services to be provided by such health care professional who is acting within the scope of his professional license.

[19.] **20.** A health carrier shall establish procedures for resolution of administrative, payment or other disputes between providers and the health carrier.

[20.] **21.** A contract between a health carrier and a provider shall not contain definitions or other provisions that conflict with the definitions or provisions contained in the managed care plan or sections 354.600 to 354.636."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 13, Section 194.230, Line 22 of said page, by inserting immediately after said line the following:

"335.015. 1. As used in section 376.1190, RSMo, "registered nurse first assistant" means any person practicing in this state as a registered nurse who is licensed pursuant to chapter 335, RSMo, and who:

(1) Is certified by a nationally recognized professional organization for registered nurse first assistants; or

(2) Meets the criteria for registered nurse first assistants established by the Missouri state board of nursing.

2. The Missouri state board of nursing shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional nursing organization certifications will be recognized for registered nurse first assistants and establishing the criteria a registered nurse must satisfy to use the title of registered nurse first assistant if the nurse is not certified by a nationally recognized professional nursing organization as a registered nurse first assistant.

376.1190. 1. Any entity offering individual or group health insurance policies providing coverage on an expense-incurred basis, any health services corporation issuing individual or group service or indemnity type contracts, any health maintenance organization issuing individual or group service contracts, any entity providing medical coverage for injured workers pursuant to chapter 287, RSMo, all self-insured group arrangements to the extent not preempted by federal law, all managed health care delivery entities of any type or description and benefit payments made pursuant to section 208.152, RSMo, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, and that provide coverage for medical services, surgical services, diagnostic procedures, clinical laboratory services, durable medical equipment, radiology services, prescription drugs, physical therapy services and occupational therapy services shall also provide, within such coverage, all services provided by a registered nurse first assistant as defined in section 335.015, RSMo, a certified surgical technologist/certified first assistant, or a licensed practical nurse, as defined in section 335.016, practicing as an independent contractor consistent with his or her scope of practice.

2. The Missouri state board of registration for the healing arts shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional certified surgical technologist/certified first assistant organization certifications will be recognized for certified surgical technologist/certified first assistants and establishing the criteria a person must satisfy to use the title of certified surgical technologist/certified first assistant if such person is not certified by a nationally recognized professional certified surgical technologist/certified first assistant organization as a certified surgical technologist/certified first assistant.

3. As used in this section the following terms mean:

(1) "Certified surgical technologist", a person who is not a physician licensed pursuant to chapter 334, RSMo, and who is certified by the Liaison Council on Certification for the Surgical Technologist to facilitate the safe and effective conduct of invasive surgical procedures. This individual works under the supervision of a surgeon

to ensure that the operating room or environment is safe, that equipment functions properly, and that the operative procedure is conducted under conditions that maximize patient safety. A surgical technologist possesses expertise in the theory and application of sterile and aseptic technique and combines the knowledge of human anatomy, surgical procedures, and implementation tools and technologies to facilitate a physician's performance of invasive therapeutic and diagnostic procedures; and

(2) "Certified surgical technologist/certified first assistant", a person who is not a physician licensed pursuant to chapter 334, RSMo, and who is certified by the Liaison Council on Certification for the Surgical Technologist to provide aid to operating physicians in exposure, hemostasis, and other technical functions that will help an operating physician to perform a safe operation with optimal results for the patient. In addition, the certified surgical technologist/certified first assistant demonstrates the principles of safe positioning of the surgical patient; provides visualization of the operative site during the operative procedure; demonstrates the proper techniques to assist the surgeon in providing hemostasis; demonstrates the appropriate techniques to assist with the closure of body planes; expedites the operative procedure by anticipating the needs of the surgeon; demonstrates advanced knowledge of normal and pathological anatomy and physiology; and demonstrates knowledge of emergency situations." and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Cauthorn offered **SA 1 to SA 4**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Section 335.015.2, Page 1, Line 15, following the word "for" by deleting the word "registered"; and

Further amend said amendment, section 335.015.2, page 1, line 16 following the word "a", by deleting the word "registered"; and

Further amend said amendment, section 335.015.2, page 1, line 17, by deleting the word "registered" before the word "nurse"; and

Further amend said amendment, section 335.015.2, page 1, line 19, by deleting the word "registered" before the word "nurse"; and

Further amend said amendment, section 376.1190, page 2, line 17 following the word "RSMo", by inserting the following: "or licensed practical nurse first assistant".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Singleton moved that the above amendment, as amended, be adopted, which motion failed.

Senator Dougherty offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 12, Section 194.220, Line 5 of said page, by inserting after "gift" the following:

"The provisions in subsection 1 of section 194.220 relating to allowing a minor who is at least sixteen years of

age to effectuate a gift for any purpose specified in section 194.230 through the driver license or instruction permit application process, shall be effective July 1, 2003."

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 31, Section 376.1275, Line 13 of said page, by inserting immediately after the word "successors" the following: "**, the College of American Pathologists, or any other national accrediting body which has requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 43, Section 194.230, Line 22, by inserting after all of said line the following:

"287.135. 1. The department of insurance shall establish a program whereby managed care organizations in this state shall be certified by the department for the provision of managed care services to employers who voluntarily choose to use such organizations. The department shall report to the division of workers' compensation all managed care organizations certified pursuant to section. The division shall maintain a registry of certified managed care organizations that can be readily accessed by employers for the provision of managed care services. For the purposes of this section, the term "managed care organizations" shall mean organizations such as preferred provider organizations, health maintenance organizations and other direct employer/provider arrangements which have been certified by the department designed to provide incentives to medical care providers to manage the cost and use of care associated with claims covered by workers' compensation insurance.

2. The director of the department of insurance shall promulgate rules which set out the approval criteria for certification of a managed care organization. Approval criteria shall take into consideration the adequacy of services that the organization will be able to offer the employer, the geographic area to be served, staff size and makeup of the organization in relation to both services offered and geographic location, access to health care providers, the adequacy of internal management and oversight, the adequacy of procedures for peer review, utilization review, and internal dispute resolution, including a method to resolve complaints by injured employees, medical providers, and insurers over the cost, necessity and appropriateness of medical services, the availability of case management services, and any other criteria as determined by the director. Thirty days prior to the annual anniversary of any current certification granted by the director, any managed care organization seeking continued certification shall file an application for recertification with the director, on a form approved by the director, accompanied by a filing fee established by the director by rule and any other materials specified by the director.

3. The director of the department of insurance shall promulgate rules which set out the criteria under which the fees charged by a managed care organization shall be reimbursed by an employer's workers' compensation insurer and which establish criteria providing for the coordination and integration between the managed care organization and the insurer of their respective internal operational systems relating to such matters as claim reporting and handling, medical case management procedures and billing. Such criteria shall require any such reimbursable fees to be reasonable in relation both to the managed care services provided and to the savings which result from those services. Such criteria shall discourage the use of fee arrangements which result in unjustified costs being billed for either medical services or managed care services. Insurers and managed care organizations shall be permitted to voluntarily negotiate and utilize alternative fee arrangements. Notwithstanding any provision of this subsection to the contrary, if an insurer and a managed care organization enter into a voluntary agreement that accomplishes the same purposes as

this subsection, that insurer and that managed care organization with respect to that agreement shall not be required to meet the requirements of this subsection or regulations promulgated by the department pursuant to this subsection.

4. Any managed care organization, including any managed care organization that has been established or selected by or has contracted with a workers' compensation insurance carrier to provide managed care services to insured employers, that has previously been certified prior to August 28, 1993, by the director of the department of insurance shall be deemed to have met the criteria set forth in this section.

5. The necessity and appropriateness of medical care services recommended or provided by providers shall be subject to review by the division of workers' compensation, upon application, following a decision by the managed care organization's utilization review and dispute resolution review and appeal procedure. The decision of the managed care organization relating to payment for such medical care services shall be subject to modification by the division of workers' compensation after mediation conference or hearing, only upon showing that it was unreasonable, arbitrary or capricious.

6. The provisions of this section shall terminate on December 31, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 8:**

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 30, Section 376.1253, Line 7 of said page, by inserting before all of said line the following:

"376.1221. 1. Every health insurer and health benefit plan, as defined in section 376.1350, offering health benefit plans that are delivered, issued for delivery, continued or renewed after January 1, 2003, shall provide coverage for hearing aids that are prescribed, fitted, and dispensed by appropriately licenced professionals to dependent children through age nineteen covered under a policy, contract, or plan.

2. The hearing aids covered under this section shall:

(1) Be an electronic wearable device designed to aid or compensate for human hearing loss and any parts, attachments, or accessories, including earmolds;

(2) Be of a design and circuitry to optimize audibility and listening skills in the environment commonly experienced by children; and

(3) Have multiple-band wide dynamic range compression and direct audio input compatibility.

3. The coverage provided by this section shall include coverage for replacement hearing aids for the child at least once every three years.

4. Hearing evaluations, hearing aids, prescriptions, fittings, and consumable supplies shall be reimbursed according to contracted fee schedule or according to the policy. A health insurer or health benefit plan subject to this section may limit the benefit payable for hearing aids to twelve hundred fifty dollars for each ear with a hearing loss. An insured or enrollee who selects a hearing aid that costs more than the benefit payable pursuant to this section may pay the difference between the price of the hearing aid and the benefit payable without financial or contractual penalty to the provider of the hearing aid.

5. Nothing in this section shall prohibit a health insurer or health benefit plan from providing coverage that is greater than or more favorable to enrollees than the coverage provided by this section.

6. The health care service required by this section shall not be subject to a deductible or co-payment that exceeds twenty percent of the actual covered service costs. No health insurer or health benefit plan subject to this section shall request or require hearing acuity information from or about persons applying for coverage.

7. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

8. The director of the department of insurance may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Steelman offered **SA 9:**

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 28, Section 376.430, Line 28, by adding the following:

"376.1096. No health carrier as defined in section 376.1350, RSMo, including preferred provider organizations, health maintenance organizations, independent physician associations, or any other entity that contracts with physicians for health care services, shall change or attempt to change any code on a claim submitted by the physician for health services without first notifying the physician involved and without the examination of the patient record to determine the services provided by the physician. In the event of a dispute, the health carrier shall provide and establish procedures for a timely resolution of the dispute between the physician and health carrier."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator House offered **SA 10:**

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 41, Section 376.1575, Line 11 of said page, by inserting after all of said line the following:

"376.1600. Any health carrier, as defined by section 376.1350, providing group health insurance plans or group health benefits to an employer having a group of twenty-five employees or more shall, upon request by the employer or the employer's agent of record, provide a statement of the annual claims history for each of the prior three years, or the total experience if the coverage has been in effect less than three years. The information shall be provided within thirty days of such request and shall include the total aggregate amount of

claims paid and the total number of claims filed for each annual period. The information may be used by the employer or the employer's agent of record for the sole purpose of evaluating and marketing the group insurance program. The information provided to the employer or the employer's agent of record shall be furnished in a manner that does not individually identify an employee or an employee's family member and shall comply with all applicable federal and state privacy laws regarding the disclosure of health records."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 10, Section 103.095, Line 26, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 30, Section 376.1209, Line 6, by inserting after all of said line the following:

"376.1219. 1. Each policy issued by an entity offering individual and group health insurance which provides coverage on an expense-incurred basis, individual and group health service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group health arrangements to the extent not preempted by federal law, and all health care plans provided by managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after September 1, 1997, shall provide coverage for formula **and low protein modified food products** recommended by a physician for the treatment of a patient with phenylketonuria or any inherited disease of amino and organic acids.

2. For purposes of this section, "low protein modified food products" means foods that are specifically formulated to have less than one gram of protein per serving and are intended to be used under the direction of a physician for the dietary treatment of any inherited metabolic disease. Low protein modified food products do not include foods that are naturally low in protein.

3. The health care service required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, contract or plan.

[3.] **4.** This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, or any other supplemental policy as determined by the director of the department of insurance.";

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 41, Section 376.1575, Line 11 of said page, by inserting after all of said line the following:

"630.900. 1. The director of the department of mental health, in collaboration with the departments of social services, health and senior services, elementary and secondary education, higher education, and corrections, shall design, coordinate, and implement a state suicide prevention plan using an evidence-based public health approach focused on suicide prevention.

2. The director shall:

(1) Promote the use of employee assistance and workplace programs to support employees with depression and other psychiatric illnesses and substance abuse disorders, and refer them to services. In promoting such programs, the director shall collaborate with employer and professional associations, unions, and safety councils;

(2) Promote the use of student assistance and educational programs to support students with depression and other psychiatric illnesses and substance abuse disorders. In promoting such programs, the director shall collaborate with educators, administrators, students and parents with emphasis on identification of the risk factors associated with suicide;

(3) Provide training and technical assistance to local public health and other community-based professionals to provide for integrated implementation of best practices for preventing suicides;

(4) Coordinate with federal, state, and local agencies to collect, analyze, and annually issue a public report on Missouri-specific data on suicide and suicidal behaviors; and

(5) Conduct periodic evaluations of the impact and outcomes from implementation of the state's suicide prevention plan and each of the activities specified in this section. By July 1, 2004, and each July first of even-numbered years thereafter, the director shall report the results of such evaluations to the chairs of the senate aging, families, and mental health committee and the house children, families, and health committee."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 14:**

SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 13, Section 194.230, Line 22, by inserting after all of said line the following:

"287.135. 1. The department of insurance shall establish a program whereby managed care organizations in this state shall be certified by the department for the provision of managed care services to employers who voluntarily choose to use such organizations. The department shall report to the division of workers' compensation all managed care organizations certified pursuant to the provisions of this section. The division shall maintain a registry of certified managed care organizations that can be readily accessed by employers for the provision of managed care services. For the purposes of this section, the term "managed care organizations" shall mean organizations such as preferred provider organizations, health maintenance organizations and other direct employer/provider arrangements which have been certified by the department designed to provide incentives to medical care providers to manage the cost and use of care associated with claims covered by workers' compensation insurance.

2. The director of the department of insurance shall promulgate rules which set out the approval criteria for certification of a managed care organization. Approval criteria shall take into consideration the adequacy of services

that the organization will be able to offer the employer, the geographic area to be served, staff size and makeup of the organization in relation to both services offered and geographic location, access to health care providers, the adequacy of internal management and oversight, the adequacy of procedures for peer review, utilization review, and internal dispute resolution, including a method to resolve complaints by injured employees, medical providers, and insurers over the cost, necessity and appropriateness of medical services, the availability of case management services, and any other criteria as determined by the director. Thirty days prior to the annual anniversary of any current certification granted by the director, any managed care organization seeking continued certification shall file an application for recertification with the director, on a form approved by the director, accompanied by a filing fee established by the director by rule and any other materials specified by the director.

3. [The director of the department of insurance shall promulgate rules which set out the criteria under which] The fees charged by a managed care organization shall be reimbursed by an employer's workers' compensation insurer [and which]. **The director of the department of insurance shall establish criteria providing for the coordination and integration between the managed care organization and the insurer of their respective internal operational systems relating to such matters as claim reporting and handling, medical case management procedures and billing. Such criteria shall require any such reimbursable fees to be reasonable in relation both to the managed care services provided and to the savings which result from those services. Such criteria shall discourage the use of fee arrangements which result in unjustified costs being billed for either medical services or managed care services. Insurers and managed care organizations shall be permitted to voluntarily negotiate and utilize alternative fee arrangements. Notwithstanding any provision of this subsection to the contrary, if an insurer and a managed care organization enter into a voluntary agreement that accomplishes the same purposes as this subsection, that insurer and that managed care organization with respect to that agreement shall not be required to meet the requirements of this subsection or regulations promulgated by the department pursuant to this subsection. The fact that an insurer enters into a voluntary agreement with one or more managed care organizations shall not exempt such insurer from the requirements of this subsection or regulations promulgated thereto regarding other managed care organizations for which the insurer has no such voluntary agreements but with which employers insured by such insurer have contracted. The insurer shall comply with the requirements of this subsection and all regulations promulgated thereto, including requirements concerning the reimbursement of such organizations, in regards to such other managed care organizations.**

4. Any managed care organization, including any managed care organization that has been established or selected by or has contracted with a workers' compensation insurance carrier to provide managed care services to insured employers, that has previously been certified prior to August 28, 1993, by the director of the department of insurance shall be deemed to have met the criteria set forth in this section.

5. The necessity and appropriateness of medical care services recommended or provided by providers shall be subject to review by the division of workers' compensation, upon application, following a decision by the managed care organization's utilization review and dispute resolution review and appeal procedure. The decision of the managed care organization relating to payment for such medical care services shall be subject to modification by the division of workers' compensation, after mediation conference or hearing, only upon showing that it was unreasonable, arbitrary or capricious.

287.140. 1. In addition to all other compensation, the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury. If the employee desires, [he] **the employee** shall have the right to select his **or her** own physician, surgeon, or other such requirement at [his] **the employee's** own expense. Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. Regardless of whether the health care provider is selected by the employer or is selected by the employee at the employee's expense, the health care provider shall have the affirmative duty to communicate fully with the employee regarding the nature of the employee's injury and recommended treatment exclusive of any evaluation for a permanent disability rating. Failure to perform such duty to communicate shall constitute a disciplinary violation by the provider subject to the provisions of chapter 620, RSMo. When an employee is required to submit to medical examinations or necessary medical treatment at a place outside of the local or metropolitan area from the place of injury or the place of [his] **the employee's** residence, the employer or

its insurer shall advance or reimburse the employee for all necessary and reasonable expenses; except that an injured employee who resides outside the state of Missouri and who is employed by an employer located in Missouri shall have the option of selecting the location of services provided in this section either at a location within one hundred miles of the injured employee's residence, place of injury or place of hire by the employer. The choice of provider within the location selected shall continue to be made by the employer. In case of a medical examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid and same shall be paid by the employer prior to the medical examination. In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than two hundred fifty miles each way from place of treatment. In addition to all other payments authorized or mandated under this subsection, when an employee who has returned to full-time employment is required to submit to a medical examination for the purpose of evaluating permanent disability, or to undergo physical rehabilitation, the employer or its insurer shall pay a proportionate weekly compensation benefit based on the provisions of section 287.180 for such wages that are lost due to time spent undergoing such medical examinations or physical rehabilitation, except that where the employee is undergoing physical rehabilitation, such proportionate weekly compensation benefit payment shall be limited to a time period of no more than twenty weeks. For purposes of this subsection only, "physical rehabilitation" shall mean the restoration of the seriously injured person as soon as possible and as nearly as possible to a condition of self-support and maintenance as an able-bodied worker. Determination as to what care and restoration constitutes physical rehabilitation shall be the sole province of the treating physician. Should the employer or its insurer contest the determination of the treating physician, then the director shall review the case at question and issue [his] a determination. Such determination by the director shall be appealable like any other finding of the director or the division. Serious injury includes, but is not limited to, quadriplegia, paraplegia, amputations of hand, arm, foot or leg, atrophy due to nerve injury or nonuse, and back injuries not amenable alone to recognized medical and surgical procedures.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases. A health care provider shall not charge a fee for treatment and care which is governed by the provisions of this chapter greater than the usual and customary fee the provider receives for the same treatment or service when the payor for such treatment or service is a private individual or a private health insurance carrier. The division or the commission, or the board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such charges. A health care provider is bound by the determination upon the reasonableness of health care bills.

4. The division shall, by regulation, establish methods to resolve disputes concerning the reasonableness of medical charges, services, or aids. This regulation shall govern resolution of disputes between employers and medical providers over fees charged, whether or not paid, and shall be in lieu of any other administrative procedure under this chapter. The employee shall not be a party to a dispute over medical charges, nor shall the employee's recovery in any way be jeopardized because of such dispute.

5. No compensation shall be payable for the death or disability of an employee, if and insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

6. The testimony of any physician or chiropractic physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

7. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or [his] **the employee's** dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the

records shall be admissible in evidence in any such proceedings.

8. The employer may be required by the division or the commission to furnish an injured employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or braces, as needed, for life whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. The director of the division shall establish a procedure whereby a claim for compensation may be reactivated after settlement of such claim is completed. The claim shall be reactivated only after the claimant can show good cause for the reactivation of this claim and the claim shall be made only for the payment of medical procedures involving life-threatening surgical procedures or if the claimant requires the use of a new, or the modification, alteration or exchange of an existing, prosthetic device. For the purpose of this subsection, "life threatening" shall mean a situation or condition which, if not treated immediately, will likely result in the death of the injured worker.

9. Nothing in this chapter shall prevent an employee being provided treatment for [his] injuries by prayer or spiritual means if the employer does not object to the treatment.

10. The employer shall have the right to select the licensed treating physician, surgeon, chiropractic physician, **network of providers**, or other health care provider, **including licensed registered nurses functioning as medical case managers**; provided, however, that such physicians, surgeons, **registered nurses**, or other health care providers shall offer only those services authorized within the scope of their licenses. For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.

11. Any physician or other health care provider who orders, directs or refers a patient for treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to the time of the referral, disclose in writing if such health care provider, any of [his] **the provider's** partners or [his] **the provider's** employer has a financial interest in the institution or facility to which the patient is being referred, to the following:

- (1) The patient;
- (2) The employer of the patient with workers' compensation liability for the injury or disease being treated;
- (3) The workers' compensation insurer of such employer; and
- (4) The workers' compensation adjusting company for such insurer.

12. Violation of subsection 11 of this section is a class A misdemeanor.

13. (1) No hospital, physician or other health care provider, other than a hospital, physician or health care provider selected by the employee at [his] **the employee's** own expense pursuant to subsection 1 of this section, shall bill or attempt to collect any fee or any portion of a fee for services rendered to an employee due to a work-related injury or report to any credit reporting agency any failure of the employee to make such payment, when an injury covered by this chapter has occurred and such hospital, physician or health care provider has received actual notice given in writing by the employee, the employer or the employer's insurer. Actual notice shall be deemed received by the hospital, physician or health care provider five days after mailing by certified mail by the employer or insurer to the hospital, physician or health care provider.

(2) The notice shall include:

- (a) The name of the employer;
- (b) The name of the insurer, if known;
- (c) The name of the employee receiving the services;
- (d) The general nature of the injury, if known; and

(e) Where a claim has been filed, the claim number, if known.

(3) When an injury is found to be noncompensable under this chapter, the hospital, physician or other health care provider shall be entitled to pursue the employee for any unpaid portion of the fee or other charges for authorized services provided to the employee. Any applicable statute of limitations for an action for such fees or other charges shall be tolled from the time notice is given to the division by a hospital, physician or other health care provider pursuant to subdivision (6) of this subsection, until a determination of noncompensability in regard to the injury which is the basis of such services is made, or in the event there is an appeal to the labor and industrial relations commission, until a decision is rendered by that commission.

(4) If a hospital, physician or other health care provider or a debt collector on behalf of such hospital, physician or other health care provider pursues any action to collect from an employee after such notice is properly given, the employee shall have a cause of action against the hospital, physician or other health care provider for actual damages sustained plus up to one thousand dollars in additional damages, costs and reasonable attorney's fees.

(5) If an employer or insurer fails to make payment for authorized services provided to the employee by a hospital, physician or other health care provider pursuant to this chapter, the hospital, physician or other health care provider may proceed pursuant to subsection 4 of this section with a dispute against the employer or insurer for any fees or other charges for services provided.

(6) A hospital, physician or other health care provider whose services have been authorized in advance by the employer or insurer may give notice to the division of any claim for fees or other charges for services provided for a work-related injury that is covered by this chapter, with copies of the notice to the employee, employer and the employer's insurer. Where such notice has been filed, the administrative law judge may order direct payment from the proceeds of any settlement or award to the hospital, physician or other health care provider for such fees as are determined by the division. The notice shall be on a form prescribed by the division."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 30, Section 376.1209, Line 6, by inserting immediately after the section the following:

"376.1212. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, and providing for surgical benefits, shall provide coverage for a minimum of twenty-four hours of inpatient care following the completion of any surgical procedure, which takes three or more hours to complete, performed in a hospital as defined in section 197.020, RSMo, or any other health care facility licensed to provide post-surgical care pursuant to the provisions of chapter 197, RSMo; except that such inpatient care may be less than twenty-four hours if:

(1) The attending physician after consulting with the patient, or the patient's legal guardian, if the patient is a minor, agrees to such shorter inpatient care; and

(2) The entity providing the individual or group health insurance policy provides coverage for post-discharge care to the patient.

2. For the purposes of this section, "attending physician" shall include the surgeon who performed the surgery or the patient's primary care physician.

3. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description shall provide notice to policyholders, insured persons and participants regarding the coverage required by this section. Such notice shall be in writing and prominently positioned in the policy, certificate of coverage or summary plan description.

4. The health care service required by this section shall not be subject to any greater deductible or copayment than other similar health care services provided by the policy, contract or plan.

5. No insurer may provide financial disincentives to, deselect, terminate the services of, require additional documentation from, require additional utilization review from, reduce payments to, or otherwise penalize the attending physician in retaliation solely for ordering care consistent with the provisions of this section."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Schneider and Steelman.

SA 15 was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	House	Jacob
Kennedy	Quick	Schneider	Steelman
Stoll	Wiggins	Lt. Gov. Maxwell--15	
	NAYS--Senators		
Childers	Foster	Gibbons	Goode
Gross	Kenney	Kinder	Klindt
Loudon	Rohrbach	Russell	Singleton
Westfall	Yeckel--14		
	Absent--Senators		
Johnson	Klarich	Mathewson	Sims
Staples--5			
	Absent with leave--Senator DePasco--1		

Senator Bland offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 28, Section 376.430, Line 28, by inserting immediately after the section the following:

"376.784. 1. As used in this section, the following words and phrases mean:

(1) "Body mass index" or "BMI", the relationship between weight and height used to assess health risk related to excess weight based on the mathematical formula that is expressed as weight in kilograms divided by height

in meters squared (BMI=kg/m²) or weight in pounds divided by height in inches squared and multiplied by 703 (BMI=lbs/in² x 703);

- (2) "Obesity", body mass index more than 30kg/m² among adults and among children, body mass index is greater than the 95th percentile for age and sex in six- to ten-year olds;
- (3) "Overweight", body mass index between 25kg/m² and 29.9 among adults and among children, a body mass index greater than the 85th percentile but less than the 95th percentile;
- (4) "Treatment for obesity", procedures consistent with established medical practices in the treatment of obesity by licensed physicians, chiropractors, registered dieticians, and surgeons including, but not limited to, diagnosis, diagnostic tests, nutritional counseling, medication and surgery.

2. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 2002, and providing coverage to any resident of this state shall offer coverage for the treatment of overweight and obesity under those terms and conditions as may be agreed upon between the group subscriber and the plan. Every plan shall communicate the availability of such coverage to all covered policyholders, groups, or individuals.

3. Nothing in this section shall be construed to deny or restrict in any way any existing right or benefit to coverage and treatment of overweight and obesity under any existing law, plan, or policy.

4. Nothing in this section shall be construed to allow limits of liability of coverage for overweight and obesity which prevents the policyholder from accessing medically necessary and appropriate treatment for overweight and obesity as recommended by a licensed physician, chiropractor, or registered and licensed dietician."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Schneider offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 13, Section 194.230, Line 22, by inserting:

"287.136. Notwithstanding the failure of the department of insurance to have failed to promulgate rules as required by Section 287.135 any managed care organization who has provided services pursuant to section 287.135 shall recover the reasonable value of the services provided from the worker's compensation carrier by filing a claim with the division of workers compensation. Such claim shall be referred to an ALJ in the area where the services were primarily provided.".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Caskey, Coleman and Jacob.

SA 17 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Coleman	Dougherty
Goode	House	Jacob	Johnson

Kennedy	Quick	Schneider	Steelman
Stoll	Wiggins--14		
	NAYS--Senators		
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klindt	Loudon	Rohrbach	Russell
Singleton	Westfall	Yeckel--15	
	Absent--Senators		
Klarich	Mathewson	Sims	Staples--4
	Absent with leave--Senator DePasco--1		

Senator Bland offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 11, Section 103.095, Line 24, by inserting after all of said line the following:

"192.975. 1. As used in this section, the following words and phrases shall mean:

(1) "Body mass index" or "BMI", the relationship between weight and height used to assess health risk related to excess weight, based on a mathematical formula that is expressed as weight in kilograms divided by height in meters squared ($BMI = kg/m^2$) or weight in pounds divided by height in inches squared and multiplied by 703 ($BMI = lbs/in^2 \times 703$);

(2) "Department", the department of health and senior services;

(3) "Dietary Guidelines for Americans", the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives and reduce chronic disease risks;

(4) "Nutrition education", a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating patterns;

(5) "Obesity", a body mass index of more than $30kg/m^2$ among adults and among children or a body mass index greater than the ninety-fifth percentile for age and sex in six to ten year olds;

(6) "Overweight", a body mass index between $25kg/m^2$ and $29.9kg/m^2$ among adults and children or a body mass index greater than the eighty-fifth percentile but less than the ninety-fifth percentile;

2. There is hereby created the "Missouri Commission on Prevention and Management of Obesity" within the department of health and senior services to be in existence within sixty days of the effective date of this section until August 28, 2004.

3. The functions and duties of the commission shall include, but not be limited to, the following:

(1) Collecting and analyzing data regarding the extent to which children and adults in Missouri suffer from obesity, including data already available to the department of health and senior services, the division of medical services and, where feasible, the data available to commercial insurers;

(2) Listing programs and services currently available to address the health, mental health, and social services needs of overweight children and adults;

- (3) Listing funds dedicated within the state through commercial and self insurers, medicaid, and other federal and state funds to maintain such programs and services;**
 - (4) Collecting and analyzing data to demonstrate the economic impact on the state of failure to treat obesity;**
 - (5) Identifying cultural, environmental, and socioeconomic barriers to the prevention and management of obesity;**
 - (6) Identifying specific recommendations that the state must implement to increase obesity prevention and management in children and adults and providing the estimated cost of implementing those recommendations.**
- 4. The commission shall coordinate with the United States Department of Agriculture, the United States Department of Health and Human Services, including the Health Resources and Services Administration, the Centers for Medicaid and Medicare Services, and the Centers for Disease Control and Prevention, the Missouri department of elementary and secondary education, the Missouri department of social services, and the Missouri department of mental health to share resources and information in order to ensure a comprehensive approach to the prevention and treatment of obesity and obesity-related conditions.**
- 5. The commission shall submit a report, including proposed legislation if necessary, to the governor and to the house budget committee and the senate appropriations committee, no later than August 28, 2004. The report shall include information about the economic burden of obesity, available programs and services, and the barriers to such programs and services.**
- 6. The commission shall be composed of at a minimum, the following twenty-two members with consideration given to equal representation by ethnic groups and by geographic area:**
- (1) The director of the department of health and senior services;**
 - (2) The commissioner of the department of elementary and secondary education;**
 - (3) The director of the department of mental health;**
 - (4) The director of the department of social services;**
 - (5) The director of the department of insurance;**
 - (6) The director of the department of higher education;**
 - (7) A member of the house of representatives as appointed by the speaker of the house of representatives;**
 - (8) A member of the senate as appointed by the president pro tem of the senate;**
 - (9) Two public members, to be appointed by the director of the department of health and senior services;**
 - (10) A representative of the Missouri State Medical Association;**
 - (11) A representative of the Missouri Chapter of the American Academy of Pediatrics;**
 - (12) A representative of the Missouri Nurses Association;**
 - (13) Two persons from the University of Missouri-Columbia with professional knowledge and experience from the fields of medicine, nursing, or dietetics or nutrition sciences, jointly appointed by the deans of the University of Missouri Sinclair School of Nursing, the School of Medicine, and the College of Human and Environmental Sciences;**
 - (14) A representative of the Missouri Dietetic Association;**

- (15) A representative of the Missouri Restaurant Association;**
- (16) A representative of the Food Processors' Association;**
- (17) A representative of the Food Manufacturers' Association;**
- (18) A representative of the School Food Service Association;**
- (19) A Missouri representative of the Association of American Medical Colleges; and**
- (20) A Missouri representative of the American Heart Association.**

7. The commission shall have its first meeting no later than October 1, 2002. The director of the department of health and senior services shall serve as chair of the commission. The department shall establish the procedures necessary for the organization and operation of the commission. The commission shall meet and conduct business at least quarterly. Meetings of the commission shall comply with sections 610.010 to 610.030, RSMo.

8. Members of the commission shall receive no compensation.

9. The department shall establish and maintain a resource databank containing information about obesity and obesity-related subjects. Such databank shall be:

- (1) Available to educational and research institutions, physicians, hospitals, policy makers, and members of the general public;**
- (2) Accessible through the department's web site and through printed materials. The department may assess reasonable charges for duplication or sale of materials; and**
- (3) Implemented by January 1, 2003.**

10. The department of health and senior services shall provide technical assistance to schools and school districts to create healthy school nutrition environments. For purposes of this subsection, a healthy school nutrition environment shall be defined as one in which nutrition and physical activity are taught and supported in the classroom, the dining room, and throughout the school to provide positive messages that help students develop healthy eating and physical activity habits. A healthy school nutrition environment shall include:

- (1) A commitment to nutrition and physical activity;**
- (2) Quality school meals that contain the required nourishment to foster learning and growth based upon the United States Department of Agriculture Dietary Guidelines for Americans;**
- (3) Other healthy food options that include sales of foods and beverages that are based on nutrition goals, not profit-making;**
- (4) Pleasant eating experiences so that children can relax, eat and socialize without feeling rushed;**
- (5) Nutrition education to build nutrition knowledge and skills into the curriculum to help children make healthy eating and physical activity choices; and**
- (6) Marketing to motivate parents, teachers, administrators, and the community to work towards a healthy school nutrition environment."; and**

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1446, Page 28, Section 376.429, Line 3, by inserting after said line the following:

"9. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney moved that **SS No. 2** for **SCS** for **HB 1446**, as amended, be adopted, which motion prevailed.

Senator Kenney moved that **SS No. 2** for **SCS** for **HB 1446**, as amended, be read the 3rd time and finally passed and was recognized to close.

At the request of Senator Kenney, **SS No. 2** for **SCS** for **HB 1446**, as amended, was placed on the Informal Calendar.

HS for **HB 1994**, entitled:

An Act to repeal section 174.020, RSMo, and to enact in lieu thereof one new section relating to names of state colleges.

Was taken up by Senator Bentley.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Bill No. 1994, Section 174.020, Page 1, Line 6, by removing the open bracket "[" and the close bracket "]" on either side of the word "Southwest";

And, in addition thereto;

To amend same section, same page, lines 8-9, by removing the open bracket "[" and the close bracket "]" on either side of the word "College" and by removing the word "**University**";

And, in addition thereto;

To amend same section, same page, line 10, by removing the open bracket "[" and the close bracket "]" on either side of the word "College" and by removing the word "**University**";

And in addition thereto;

To amend same section, same page, line 11, by removing the open bracket "[" and the close bracket "]" on either side of the word "shall" and by removing the word "**may**";

And in addition thereto;

To amend same section, same page, line 11, by removing the open bracket "[" and the close bracket "]" on either side of the word "College" and by removing the word "**University**";

And in addition thereto;

To amend same section, page 2, line 18, by inserting after all of said line the following:

"174.025. 1. The coordinating board of higher education shall conduct a comprehensive study of the post-secondary educational needs of those persons residing in southwest Missouri and of the capability of existing public and private institutions of higher education in this state to meet those recognized needs.

2. The coordinating board of higher education shall complete its study and submit its final report to the governor and the general assembly not later than January 31, 2005. The final report shall contain a detailed statement of the findings and conclusions of the coordinating board of higher education, with its recommendations for legislation and administrative actions as the coordinating board of higher education deems appropriate, including but not limited to a recommendation as to whether Southwest Missouri State University should be made a part of the University of Missouri system.

3. No additional moneys shall be appropriated to the coordinating board of higher education to fund the study to be conducted pursuant to this section."

And in addition thereto;

To amend the title and enacting clauses accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob requested a division of the question on the adoption of **SA 1** asking that a vote first be taken on Section 174.020, page 1, line 6; a second vote be taken on Section 174.020, page 1, lines 8 and 9; a third vote be taken on Section 174.020, page 1, line 10; a fourth vote be taken on Section 174.020, page 1, line 10, removing the brackets around the word "shall" and deleting the word "**may**" and further amending line 11; a fifth vote be taken on Section 174.025.1. and 2. and a sixth vote be taken on Section 174.025.3., which request was granted.

The President stated that the motions to adopt the six parts would be accepted in the order Senator Jacob divided the amendment.

Senator Jacob raised the point of order objecting to the order of adoption of the six parts of SA 1 as stated by the President.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob withdrew his previous request for a division of the question on **SA 1** and requested a new division as follows: a vote first be taken on Section 174.025.1 and 2.; a second vote be taken on Section 174.025.3; a third vote be taken on Section 174.020, page 1, line 6; a fourth vote be taken on Section 174.020, lines 8-9; a fifth vote be taken on Section 174.020, line 10; and a sixth vote be taken on the remainder of the amendment, which request was granted.

Senator Jacob moved that **Part I** of **SA 1** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Caskey, Schneider and Stoll.

Senator Jacob offered **SA 1** to **Part I** of **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

PART I OF

SENATE AMENDMENT NO. 1

Amend Part I of Senate Amendment No. 1 to House Substitute for House Bill No. 1994, Page 2, Section 174.025, Line 27, by deleting the word "2005" and by inserting in lieu thereof the word "2004".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Caskey, Kennedy and Stoll.

At the request of Senator Jacob, **SA 1 to Part I of SA 1** was withdrawn.

Senator Jacob offered **SA 2 to Part I of SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO

PART I OF

SENATE AMENDMENT NO. 1

Amend Part I to Senate Amendment No. 1 to House Substitute for House Bill No. 1994, Page 2, Section 174.025, Lines 26-27, by removing the words "**January 31, 2005**" and inserting in lieu thereof the following: "**November 30, 2003**".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Bentley, **HS** for **HB 1994**, with **SA 1** and **SA 2 to Part I of SA 1** (pending), was placed on the Informal Calendar.

Senator Kenney moved that **SS No. 2** for **SCS** for **HB 1446**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Pro Tem Kinder referred **SS No. 2** for **SCS** for **HB 1446**, as amended, to the Committee on State Budget Control.

President Pro Tem Kinder moved that **HB 1918**, with **SCS**, be returned to the Committee on Transportation for further consideration, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 24, 2002 for your advice and consent:

Jennifer Tidwell, Democrat, 3831 Harrison, Kansas City, Jackson County, Missouri 64109, as a member of the State Tax Commission, for a term ending January 23, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SB 1220**, as amended: Senators Sims, Kenney, Yeckel, Wiggins and Dougherty.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1313**. Representatives: Treadway, Hoppe, Green (15), Burton and Scott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 1220**, as amended. Representatives O'Toole, Foley, Crump, Richardson and Purgason.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 758**. Representatives: Hosmer, Britt, Jolly, Reid and Bartle.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 795**. Representatives: Treadway, Shoemyer (9), Hampton, Portwood and Behnen.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed Representative Shields to the Conference Committee on **SCS** for **HCS** for **HB 1111** as amended replacing Representative Naeger who had to return to his district.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HB 1216**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HB 1425**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 1406**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS** for **HCS** for **HBs 1654** and **1156**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HCS** for **HB 1650**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HCS** for **HB 1143**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1869**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1708, regarding the One Hundredth Birthday of Sophie Schaefer, Arnold, which was adopted.

Senator Steelman offered Senate Resolution No. 1709, regarding Brian Christopher Easley, Fulton, which was adopted.

On behalf of Senator DePasco, Senator Kenney offered Senate Resolution No. 1710, regarding Dorothy J. Kirk, Independence, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

May 8, 2002

Ms. Terry Spieler

Secretary of Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator James L. Mathewson to the Missouri Tourism Commission instead of the Missouri Tourism Committee which was referenced in my previous letter.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Stoll introduced to the Senate, Denise and Garryn Hasty, Imperial; and Garryn was made an honorary page.

Senator Klarich introduced to the Senate, Fritz, Nathaniel and Ethan Smith, Wildwood; and Beverly Thornton and Corey Glackin, House Springs; and Corey and Ethan were made honorary pages.

Senator Wiggins introduced to the Senate, Jeff and Amy Simon, and their children, Patrick, Joseph, Daniel and Peter, Kansas City; and Patrick, Joseph, Daniel and Peter were made honorary pages.

Senator Loudon introduced to the Senate, Shelley Arri and Home Schoolers from Manchester; and Paul McCaughey, Tami Simon, Lydia Wiperman and Bryan Arri were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Thursday, May 9, 2002.

SENATE CALENDAR

SIXTY-NINTH DAY-THURSDAY, MAY 9, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and
Russell, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 1443, with
SCS (Gibbons)
2. HB 1041-Myers, with
SCS (Childers)
3. HB 1600-Treadway (Mathewson)
4. HB 2008-O'Connor,
with SCS (Kenney)
5. HS for HCS for
HB 1532-Hoppe,
with SCS (Gross)
6. HB 1348-Myers, et al,
with SCS (Foster)
7. HB 1402-Burton, et al,
with SCS (Steelman)
8. HB 2023-Franklin,
with SCA 1 (Foster)
9. HB 1086-Harlan, with
SCS (House)
10. HB 1926-Fraser, et al
(Quick)

11. HB 2078-Clayton

(Rohrbach)

12. HS for HCS for HBs 1502 &

1821-Luetkenhaus, with

SCS (Rohrbach)

13. HB 1196-Barnett, et al,

with SCS (Westfall)

14. HBs 1489 & 1850-Britt,

with SCS (Steelman)

15. HS for HCS for HB

1962-Monaco, with SCS

16. HCS for HB 1817, with

SCS (Bentley)

17. HB 1773-Shelton and

Carnahan, with SCS

(Coleman)

18. HS for HCS for HBs

1461 & 1470-Seigfreid,

with SCS (Yeckel)

19. HB 1748-Ransdall

(Steelman)

20. HCS for HBs 1150, 1237

& 1327, with SCS

(Gibbons)

21. HS for HB 1455-

O'Toole, with SCS

(Gross)

22. HB 1508-Koller, with

SCS (Westfall)

23. HCS for HBs 1344 &

1944, with SCS (Caskey)

24. HB 1679-Crump, with

SCS & point of order (Sims)

25. HCS for HB 1898, with

SCS (Goode)

(In Budget Control)

26. HCS for HB 1403, with

SCS (Foster)

27. HB 1988-Kelly (144)

28. HS for HCS for HB

1906-Green (73),

with SCS (Kenney)

29. HS for HCS for HB

1756-Reid (Klarich)

30. HCS for HB 1120

(Russell)

31. HB 1121-Green (73),

with SCS (Russell)

32. HCS for HB 1216, with

SCS

33. HCS for HB 1425, with

SCS (House)

34. HB 1406-Barnett, with

SCS (Klindt)

35. HS for HCS for HBs

1654 & 1156-Hosmer,

with SCS (Caskey)

36. HS for HCS for HB

1650-Hoppe, with SCS

37. HCS for HB 1143, with

SCS

38. HB 1869-Barry (Klarich)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS (pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al,

with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al,

with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al, with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS, SS

for SCS & SA 3 (pending)

SB 1087-Gibbons, et al,

with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,

with SS and SA 3 (pending)

SB 1103-Westfall, et al,
with SA 2 (pending)
SB 1105-Loudon
SB 1111-Quick, with SCS
SB 1133-Gross, with SCS
SB 1157-Klindt, with SCS
SB 1195-Steelman, et al
SB 1205-Yeckel
SB 1206-Bentley and Stoll
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

HOUSE BILLS ON THIRD READING

HBs 1270 & 2032-Gratz,
with SCS (Westfall)
SS#2 for SCS for HB 1446-
Luetkenhaus (Kenney)
(In Budget Control)
HB 1953-Van Zandt, et al,
with SCS (Singleton)
HS for HB 1994-Hosmer,
with SA 1 & SA 2 to Part I
of SA 1 (pending) (Bentley)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,
with SCS (pending) (Coleman)
SCS for HB 1811-Gambaro
(Dougherty)

HB 1085-Mays (50) (Quick)
SCS for HBs 1093, 1094, 1159,
1204, 1242, 1272, 1391, 1397,
1411, 1624, 1632, 1714, 1755,
1778, 1779, 1852, 1862, 2025
& 2123- Relford and
Seigfreid (Mathewson)

HBs 1141, 1400, 1645,
1745 & 2026-Naeger,
with SCS (Yeckel)
HB 1643-Holand and Barry
(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SB 895-Yeckel and Gross,

with HS for HCS, as amended

SB 1041-Russell, with

HCA's 1, 2 & 3

SB 1094-Russell, with HCS

SB 1102-Westfall, with HCS

SB 1119-Johnson, with HCS

SB 1168-Russell, with HCA 1

SB 1199-Foster, with HCA 1

SCS for SB 1212-Mathewson,

with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 758-Bentley, with HCS

SB 795-Schneider, with HCS

SCS for SBs 1086 & 1126-

DePasco & Quick, with HCS

SB 1220-Sims, with HS, as

amended

SS for SB 1248-Mathewson,

with HS for HCS, as amended

HCS for HB 1101, with SCS

(Russell)

HCS for HB 1102, with SCS,

as amended (Russell)

HCS for HB 1103, with SCS,

as amended (Russell)

HCS for HB 1104, with SCS,

as amended (Russell)

HCS for HB 1105, with SCS

(Russell)

HCS for HB 1106, with SCS

(Russell)

HCS for HB 1107, with SCS,

as amended (Russell)

HCS for HB 1108, with SCS

(Russell)

HCS for HB 1109, with SCS

(Russell)

HCS for HB 1110, with SCS

(Russell)

HCS for HB 1111, with SCS,

as amended (Russell)

HCS for HB 1112, with SCS

(Russell)

HB 1313-Burton, with SCS

(Foster)

HB 2120-Ridgeway and

Hosmer, with SCS (Gibbons)

Requests to Recede or Grant Conference

SCS for SB 1202-Westfall,

with HCS

(Senate requests House

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 24-Kreider (Westfall)

HCR 25-Meredith (Foster)

HCR 18-Wilson (42)

(Mathewson)

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-NINTH DAY--THURSDAY, MAY 9, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"But Jacob said, 'I will not let you go, unless you bless me.'" (Genesis 32:26b)

Lord, You have promised that You would always be with us and bless us and in what already seems such a long week we need Your blessings even more. Help us be confident that You are moving on our behalf so we might be settled and assured we do what is right. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator DePasco--1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Cauthron offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1711

WHEREAS, the members of the Missouri Senate proudly pause to recognize those special young people who have exemplified the finest qualities of citizenship and leadership by taking an active part in state government; and

WHEREAS, Emily Evers, a student at the University of Missouri-Columbia, has distinguished herself as an Intern for the Honorable John Cauthorn, State Senator from District No. 18; and

WHEREAS, Emily joined the staff of Senator Cauthorn for the Second Regular Session of the Ninety-first General Assembly as part of the Missouri State Intern Program at the state capitol in Jefferson City, a program designed to involve college students in the legislative process through active participation; and

WHEREAS, through the Internship Program, Emily has experienced the opportunity to observe firsthand the inner workings of state government and has gained valuable insight into the process by which laws are made; and

WHEREAS, during her tenure at the capitol, Emily assisted with legislative research, filled the COS's rolling filing cabinet with tons of paper pretending to be legislation, coordinated resolutions and various types of correspondence, followed legislation, attended hearings, and provided entertainment for the staff during the sessions down time; and

WHEREAS, perhaps one of the most appreciated services during the hectic times of the legislative session was Emily's smiling face which brightened up the office and underscored the recognition she earned as a valuable asset to Senator Cauthorn and the entire Missouri Legislature through the application of knowledge and skills acquired prior to her tenure as an Intern and for the variety of newly-gained skills which will be of tremendous value in the job market:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join with Senator Cauthorn in commending Emily Evers for her many important contributions to our State Legislature during the 2002 session, and further extend to her our very best wishes for continued success and happiness in all future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Legislative Intern Emily Evers, as a measure of our esteem for her.

Senator Caskey offered the following resolution, which was read and referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 1712

WHEREAS, the world's most famous name in fast food is McDonald's, a business which was started in 1954 by Ray Kroc in San Bernardino, California; and

WHEREAS, Ray Kroc, the original founder of McDonald's, believed that only the best quality of products should be used in his restaurants; and

WHEREAS, while McDonald's uses only 100% pure beef in its hamburgers, not all of the beef in McDonald's hamburgers is 100% American beef; and

WHEREAS, as the nation's largest buyer of beef and with more than 28,000 restaurants worldwide, the McDonald's Corporation should return to Ray Kroc's philosophy by exclusively utilizing the United States beef industry and using only 100% American beef in all its restaurants; and

WHEREAS, the Agricultural Marketing Act of 1946 provided the United States Department of Agriculture the authority to establish standards for the grading and classification of United States agricultural products; and

WHEREAS, these standards have become recognized around the world as the mark of United States excellence and quality, making the quality of beef produced in the United States second to none; and

WHEREAS, the United States consumers and beef producers "need a break today" and expect McDonald's, the most popular fast food chain in the nation, to utilize the best quality of beef available on the market in its hamburgers; and

WHEREAS, since the "Golden Arches" of McDonald's have become as American as apple pie and baseball, consumers deserve nothing less than 100% American beef in their McDonald's hamburgers:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, urge the McDonald's Corporation to exclusively utilize the United States beef industry and use only 100% American beef in all its 28,000 restaurants around the world; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Jack M. Greenberg, Chairman and Chief Executive Officer of the McDonald's Corporation.

CONCURRENT RESOLUTIONS

Senator Mathewson offered the following concurrent resolution, which was read and referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE CONCURRENT RESOLUTION NO. 76

WHEREAS, the State of Missouri has been subjected to extreme economic hardship as a result of a contracting national economy and terrorist attacks on New York and Washington; and

WHEREAS, this economic hardship has been exacerbated by the loss of jobs in the conversion of industry from manufacturing to technology bases; and

WHEREAS, key military contracts on which many jobs and huge businesses in this state have gone to states with more electoral votes; and

WHEREAS, this national economic contraction, loss of jobs and horrendous terrorist attacks have resulted in serious fiscal shortfalls for the State of Missouri; and

WHEREAS, these serious fiscal shortfalls have resulted in a financial situation declared by the Governor of the State of Missouri to be an actual emergency; and

WHEREAS, the fiscal emergency declared by the Governor of Missouri has reached a level where the state cannot pay its bills during the remaining months of Fiscal Year 2002; and

WHEREAS, the inability of the State of Missouri to pay its bills places in jeopardy the good faith and credit of the state, as well as the bond rating and the self-respect of this state and its citizens; and

WHEREAS, the remedy of this actual emergency is vested in the duly elected General Assembly of the State of Missouri under the Constitution of the State of Missouri; and

WHEREAS, the Senate of the 91st General Assembly has acted prudently and responsibly to allow the use of this remedy by the Governor of the State of Missouri by securing the two-thirds majority required by the Constitution, Art. IV, Sec. 27 (a) pertaining to the Budget Reserve Fund; and

WHEREAS, the House of Representatives has yet to act to spare our state and our citizens unnecessary financial chaos and humiliation,

NOW THEREFORE BE IT RESOLVED: that we, the members of the 91st General Assembly of the State of Missouri do resolve to forego our monthly salaries, per diems, office allowances and appurtenances thereto for the last two months of Fiscal Year 2002 or until such time as legislation authorizing the use of the Budget Reserve Fund is Truly Agreed To, Finally Passed and delivered to the Governor, and

BE IT FURTHER RESOLVED: that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution so that its intention and direction be expedited forthwith.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868 and 738**, entitled:

An Act to repeal sections 136.055, 142.803, 144.020, 144.021, 144.805, 155.080, 226.030, 226.134, 226.200, 226.540, 226.550, 226.573, 226.580, 226.585, 226.670, 227.040, 227.050, 227.060, 227.100, 301.129, 302.720, 304.001, and 305.230, RSMo, and to enact in lieu thereof thirty-four new sections relating to transportation, with penalty provisions and a referendum clause.

With House Amendments Nos. 1, 2, 3, 5, 7, 8, 9, 10, House Substitute Amendment No. 1 for House Amendment No. 11, House Amendments Nos. 12, 13, 15, 16, 17, 18, 19, House Substitute Amendment No. 1 for House Amendment No. 20, House Amendments Nos. 21, 22, 24, 25, 26, House Substitute Amendment No. 1 for House Amendment No. 27 and House Amendment No. 28.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 47, Section 227.100, Lines 5 to 10 of said page, by deleting all of said lines and inserting in lieu thereof the following: "construction of said project]."; and

Further amend said bill, Page 54, Section 227.040, by deleting all of said section; and

Further amend said bill, Pages 54-55, Section 227.050, by deleting all of said section; and

Further amend said bill, Page 55, Section 227.060, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 75, Section 307.205, Line 9, by deleting the word "regulate" and inserting in lieu thereof the following: **"impose additional regulations on"**.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting the following section in the appropriate location:

"302.341. **1.** If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which he **or she** is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against him **or her** for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section. If any city, town, or village receives more than [forty-five] **thirty-five** percent of its [total] annual **general operating** revenue from fines **and court costs** for traffic violations occurring on state highways, all revenues from such violations in excess of [forty-five] **thirty-five** percent of the [total] annual **general operating** revenue of the city, town, or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.

2. If any city, town, or village fails to send such excess revenues to the director of the department of revenue in a timely fashion which shall be set forth by the director by rule, such city, town, or village shall submit to an

annual audit by the state auditor pursuant to the authority of Article IV, Section 13 of the Missouri Constitution. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 65, Section 304.001, Lines 11 to 15, by deleting all of said lines and inserting in lieu thereof the following: **"sections 304.155 and 304.157, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five working days of the accident, the agency requesting the tow shall be required to write an abandoned property report.";** and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868, and 738, Page 6, Section 142.803, Line 15 of said page, by inserting immediately after all of said line the following:

"3. In addition to the tax levied and imposed pursuant to subdivision (1) of subsection 1 of this section, an additional tax of three cents per gallon is hereby levied and imposed on motor fuel used or consumed in this state. The revenue derived from the additional tax of three cents per gallon imposed pursuant to this subsection shall be distributed and used as provided in article IV, section 30(a) of the Missouri Constitution. The additional tax imposed pursuant to this subsection is imposed upon the ultimate consumer, but is to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax. The additional revenue derived from the tax imposed by this subsection shall not be part of the total state revenue within the meaning of article X, sections 17 and 18 of the Missouri Constitution. The expenditure of this revenue shall not be an expense of state government pursuant to article X, section 20 of the Missouri Constitution. The additional tax imposed by this section shall expire on December 31, 2022."; and

Further amend said bill, Page 9, Section 144.020, Line 21 of said page, by inserting immediately after the word **"tax"** the following: **"of three-fourths"**; and

Further amend said bill, Page 10, Section 144.020, Line 3 of said page, by inserting immediately after the words **"equivalent to"** the following: **"three-fourths of"**; and

Further amend said bill, Page 10, Section 144.020, Line 9 of said page, by inserting immediately after the word **"additional"** the following: **"three-fourths of"**; and

Further amend said bill, Page 10, Section 144.020, Line 11 of said page, by inserting immediately after the word **"additional"** the following: **"three-fourths of"**; and

Further amend said bill, Page 10, Section 144.020, Line 16 of said page, by inserting immediately after the word **"additional"** the following: **"three-fourths of"**; and

Further amend said bill, Page 11, Section 144.021, Line 24 of said page, by deleting the words **"[four] five"** and inserting in lieu thereof the following: **"four and three-fourths"**; and

Further amend said bill, Page 77, Section C, Line 18 of said page, by inserting immediately after the word **"sections"** the following: **"142.803,"**; and

Further amend said bill, Page 78, Section C, Line 2 of said page, by inserting immediately after the word "sections" the following: "**142.803**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting at the appropriate location the following:

"Section 1. 1. As used in this section, the following terms mean:

- (1) "Commissioner", the commissioner of the office of administration;**
- (2) "Fleet manager", the state vehicle fleet manager created pursuant to subsection 2 of this section;**
- (3) "State vehicle fleet", all vehicles used by the state or titled to the state for the purpose of conducting state business;**
- (4) "Vehicle", as defined pursuant to section 301.010, RSMo.**

2. There is hereby created within the office of administration the position of state vehicle fleet manager. The fleet manager shall be appointed by the commissioner of administration pursuant to the provisions of chapter 36, RSMo.

3. The fleet manager shall institute and supervise a state vehicle fleet tracking system in which the cost of owning and operating each state vehicle is documented by the agency owning the vehicle. All state agencies shall report the purchase and the sale of any vehicle to the fleet manager and provide any additional information requested by the fleet manager in the format, manner, and frequency determined by the office of administration. The fleet manager shall have the authority to suspend any agency's use of its credits established pursuant to section 2 of this act if the agency does not comply with the requirements of this section or section 3, RSMo, until he or she is satisfied that such compliance is achieved.

4. The fleet manager shall submit an annual report to the speaker of the house of representatives, the president pro tempore of the senate, and the governor before January thirty-first of each year. The fleet manager's report shall consist of the status of the state vehicle fleet and any recommendations for improvements and changes necessary for more efficient management of the fleet.

5. The office of administration shall establish guidelines for determining the most cost-effective and reasonable mode of travel under the circumstances for single trips from the following options: passenger rail; vehicle rental; fleet checkout; and reimbursement for personal car use.

6. The commissioner shall issue policies governing the acquisition, assignment, use, replacement, and maintenance of state-owned vehicles.

7. Each agency shall pay a state vehicle fleet fee, as determined by the office of administration, for each vehicle it owns for the purpose of funding the state vehicle fleet tracking system and for other administrative expenses incurred in management of the state vehicle fleet. Any agency that owns at least one thousand vehicles shall receive a credit against the state vehicle fleet fee for the internal fleet management services performed by such agency, provided such agency furnishes all information required by the fleet manager.

8. State agencies shall be responsible for ensuring that state vehicles are used only for state business and not for private purposes.

Section 2. Provisions of section 37.090, RSMo, notwithstanding, all proceeds generated by the sale of a surplus vehicle, except proceeds generated from the department of transportation, the department of conservation, the Missouri state highway patrol, and all state colleges and universities, may be deposited in the state treasury to the credit of the office of administration revolving administrative trust fund and credited to the state agency owning the vehicle at the time of sale. Upon appropriation, moneys credited to agencies from the sale of surplus state fleet vehicles shall be used solely for the purchase of vehicles for the respective agency.

Section 3. All state agencies owning motor vehicles shall be responsible for obtaining an inspection of each of their vehicle's mechanism and equipment in accordance with the provisions of sections 1 to 3, and obtaining a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting in the appropriate location the following section:

"304.153. 1. Upon approaching a stationary motor vehicle stopped on the shoulder of the roadway, the driver of every motor vehicle shall:

(1) Proceed with caution and, if possible with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

(3) Operators of motor vehicles shall treat tow trucks in the same manner as they are required to treat law enforcement vehicles, ambulances, or any other emergency vehicle.

2. Any person who violates the provisions of this section is guilty of an infraction."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting at the appropriate location the following:

"92.045. 1. Any constitutional charter city in this state which now has or may hereafter acquire a population in excess of three hundred fifty thousand inhabitants, according to the last federal decennial census, is hereby authorized, for city and local purposes, to license, tax, and regulate the occupation of merchants, manufacturers, and all businesses, avocations, pursuits, and callings that are not exempt from the payment of licenses by law and may, by ordinance, base such licenses on gross receipts, gross profits or net profits, per capita, flat fee, graduated scale based on gross or net receipts or sales, or any other method or measurement of tax or any combination thereof derived or allocable to the carrying on or conducting of any business, avocation, pursuits or callings or activities carried on in such cities or airports owned, controlled, or maintained by such cities.

2. The local legislative body may grant by ordinance to its administering tax official the power to adopt regulations and rules relating to any matters pertaining to the administration and enforcement of any ordinances enacted in accordance with the authority heretofore given. Copies of such regulations and rules shall be kept in the office of such tax official

designated in such ordinance and shall be open to inspection by the public. Said regulations or rules may be changed or amended from time to time.

3. The repeal and reenactment of this section shall become effective January 1, 2005.

305.510. 1. "The Missouri-St. Louis Metropolitan Airport Authority" is hereby established. The authority is a body corporate and a political subdivision of the state and shall be known as "The Missouri-St. Louis Metropolitan Airport Authority", and in that name may sue and be sued. Actions of the authority are declared to be in the public interest and for a public purpose, and the authority may exercise the powers herein granted or necessarily implied for the purpose of promoting the general welfare and to provide safe and convenient air travel and transportation to and from the greater St. Louis metropolitan area.

2. [After June 30, 1983, the general assembly shall not appropriate or expend any state moneys for the implementation and continuation of this section or the Missouri-St. Louis metropolitan airport authority.] **Beginning January 1, 2005, the authority shall be responsible for the operation of any and all international airports located in Missouri within fifty miles of the city of St. Louis, and shall exercise any and all powers granted to it in this chapter in the exercise of this responsibility. Nothing herein shall be construed to change the ownership of such international airport.**

3. The authority shall honor all bonds, debts, outstanding obligations and contracts and employee pension plans of any airport or airport authority affected by this section.

4. The operation of such airport by the authority shall replace the operation by any other entity created by local ordinance.

5. Any profit from the operation of any airport or airport authority affected by this section shall continue to be received by the city of St. Louis.

6. The provisions of sections 305.510 and 305.515 shall not affect the tax authorized pursuant to section 92.045, RSMo.

7. The repeal and reenactment of this section shall become effective January 1, 2005.

305.515. 1. [The governor, with the advice and consent of the senate, shall appoint four members of the authority; and two of the members shall be appointed for a term of two years, and two for a term of three years. The governor shall designate one of the authority members as chairman for the first two years. Thereafter, the authority membership shall elect a member to serve as chairman.] The mayor of the city of St. Louis [and the supervisor], **the county executive of St. Louis County, the county executive of St. Charles County and the county commissions of Jefferson and Franklin Counties**, with the advice and consent of their respective governing bodies, shall each appoint [three members of the authority and of the three, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. The county commissions of Jefferson, Franklin and St. Charles counties shall each appoint one member of the authority, each such member to serve a term of four years. Thereafter, all appointments shall be for a term of four years.] **one member of the authority for each one hundred thirty thousand residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the commission. The members initially appointed in an odd-numbered year by an appointing authority shall be appointed for a term of four years. The initial members appointed in an even-numbered year shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority.** Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term. **The authority membership shall elect a member to serve as chairman.**

2. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

3. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

4. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority.

5. The repeal and reenactment of this section shall become effective January 1, 2005.

305.572. 1. Beginning April 1, 2005, the authority shall enter into negotiations with the appropriate officials from the city of St. Louis to discuss issues regarding employees who work in the area's airport. The issues to be discussed shall include, but not be limited to, the following:

(1) Employee transition issues;

(2) Employee pension plans and other retirement issues; and

(3) The amount of compensation from the city of St. Louis to employee wages, pension plans and other benefit programs.

Any issues discussed between the authority and the city of St. Louis shall not be binding upon the parties.

2. This section shall become effective January 1, 2005."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 10, Section 144.020, Line 24 of said page, by deleting the word "**Ten**" and inserting in lieu thereof the word "**Eighteen**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 48, Section 227.100, Line 19, by inserting immediately after said line the following:

"5. Any dispute or controversy arising from a contract awarded pursuant to section 226.130.1(9) RSMo shall be arbitrated by a panel of three arbiters pursuant to the provisions of chapter 435 RSMo."

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 77, Section 307.211, Line 3, by inserting after said line the following:

"Section 1. All aircraft owned and operated by the state of Missouri or its agencies shall be considered vehicles and shall be under the supervision of the state vehicle fleet manager."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 77, Section 307.211, Line 2, by inserting after all of said line the following:

"Section 1. If the department of transportation removes property from any roadway of this state pursuant to section 304.155, RSMo, such property shall be immediately taken to the shoulder or berm of the roadway, and the department employees shall not use a wrecker, tow truck, or roll-back in the removal process."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting at the appropriate location the following:

"Section 1. 1. The state highways and transportation commission shall approve and implement a minority and women employment business enterprises program. The plan shall require all business vendors and contractors to assure the enforcement of an equal opportunity employment plan, and a minority and women business enterprises program that is based on population and availability and which contains specific goals for each such business, as applicable pursuant to state and federal laws.

2. The state highways and transportation commission shall implement and maintain an equal opportunity employment plan and a minority and women business enterprises program with specific goals which shall be identified and reported by ethnicity and gender. The state highways and transportation commission minority and women business enterprises program shall include the provisions of sections 34.070, 34.073, and 34.076, RSMo. The state highways and transportation commission shall engage the services of a compliance monitor, through either direct employment or by service contract, to assist in the implementation and progress of the program.

3. The state highways and transportation commission shall develop and implement such plan in coordination with Executive Order 98-21, house committee substitute for senate substitute for senate committee substitute for senate bills nos. 808 and 672 as truly agreed to and finally passed by the eighty-fifth general assembly, second regular session, and the Missouri business development commission."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting in the appropriate location the following sections:

"302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when

accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the secretary.

(1) The written and driving tests shall be held at such times and in such places as the [director] **superintendent** may designate. A [five-dollar] **twenty-five dollar** examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(3) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material, such person shall be required to take the written test for such endorsement. A [five-dollar] **twenty-five dollar** examination fee shall be paid [for each test taken] **upon completion of such tests**.

3. [The director may waive the driving test for a commercial driver's license if such applicant provides the certifications required by regulations established by the secretary as a substitute for the driving test and holds a valid license.

4. The certifications may include, but not be limited to, stating that during the two-year period immediately prior to applying for a commercial driver's license the applicant:

(1) Has not had more than one license;

(2) Has not had any license suspended, revoked, canceled or disqualified;

(3) Has not had a conviction in any type of motor vehicle for driving while intoxicated, driving while under the influence of alcohol or controlled substance, leaving the scene of an accident or felony involving the use of a commercial motor vehicle;

(4) Has not violated any state law or county or municipal ordinance relating to the operation of a motor vehicle in connection with an accident; and

(5) Has no record of an accident in which such applicant was at fault.

5. In order to be valid as a certification exempting the applicant from the driving test, the applicant shall also provide evidence and certify that:

(1) He is regularly employed in a job requiring him to drive a commercial motor vehicle; and

(2) He has previously taken and passed a driving test given by a state with a classified licensing and testing system, and that the test was behind the wheel in a representative vehicle for that applicant's license classification; or

(3) He has operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the applicant drives or expects to drive.

6.] A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

302.721, 1. There is hereby created in the state treasury the "Commercial Driver License Examination Fund". The fund shall be administered by the department of revenue. Such moneys collected pursuant to subdivisions (1) and (3) of subsection 2 of section 302.720, shall be appropriated to the commercial driver license examination fund after the deposit and distribution pursuant to subsection 2 of section 30(b) of article IV of the Missouri Constitution. Such moneys shall not be counted towards the spending limitations imposed pursuant to subsection 3 of section 226.200, RSMo. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

2. There shall be created a "Third-Party Commercial Driver License Examination Program" within the department of revenue. The purpose of this program is to certify third-party commercial driver license examination programs and administer compliance requirements of third-party commercial driver license examination programs in the state of Missouri.

3. The director of revenue may annually expend revenues from the commercial driver license fund for administrative costs associated with initial certification and subsequent renewal certification requirements associated with third-party commercial driver license examination programs and determining compliance of all regulations which are required to be adhered to by third-party commercial driver license examination programs in the state of Missouri. Such annual expenditures shall also include any expenses incurred by the superintendent of the highway patrol for functions related to the testing, auditing, retesting, and compliance of commercial driver license third-party examination programs, and the administration of the state CDL testing program.

(1) The director of revenue shall promulgate rules and regulations necessary to administer the certification and compliance programs established pursuant to this section. Any rule promulgated regarding commercial driver license third-party examination certification or compliance shall be promulgated in coordination with the superintendent of the highway patrol.

(2) Any rule promulgated by the director of revenue and the superintendent of the highway patrol regarding compliance requirements for third-party commercial driver license examination programs shall require the superintendent to reexamine a minimum of ten percent of those drivers who have passed the CDL skills examination administered by a certified third-party commercial driver license examination program in the state of Missouri.

4. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting at the appropriate location the following:

"67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:

- (1) "Airport authority", an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county, and other approximate counties within the region;**
- (2) "Airport", Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;**
- (3) "Airport taxicab", a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular specific route, and the charge is made on the basis of distance traveled as indicated by the taximeter;**
- (4) "Chief executive", the mayor of the city and the county executive of the county;**
- (5) "City", a city not within a county;**
- (6) "Commission", the regional taxicab commission created in section 67.1804;**
- (7) "County", a county with a charter form of government and with more than one million inhabitants;**
- (8) "District", the geographical area encompassed by the regional taxicab commission;**
- (9) "Driver", an individual operator of a motor vehicle and may be an employee or independent contractor;**
- (10) "Hotel and restaurant industry", the group of enterprises actively engaged in the business of operating lodging and dining facilities for transient guests;**
- (11) "Municipality", a city, town, or village which has been incorporated in accordance with the laws of the state of Missouri;**
- (12) "On-call/reserve taxicab", any motor vehicle or nonmotorized carriage engaged in the business of carrying persons for hire on the streets of the district, whether the same is hailed on the streets by a passenger or is operated from a street stand, from a garage on a regular route, or between fixed termini on a schedule, and where no regular or specific route is traveled, passengers are taken to and from such places as they designate, and the charge is made on the basis of distance traveled as indicated by a taximeter;**
- (13) "Premium sedan", any motor vehicle engaged in the business of carrying persons for hire on the streets of the district which seats a total of five or less passengers in addition to a driver and which carries in each vehicle a manifest or trip ticket containing the name and pickup address of the passenger or passengers who have arranged for the use of the vehicle, and the charge is a prearranged fixed contract price quoted for transportation between termini selected by the passenger;**
- (14) "Taxicab", airport taxicabs, on-call/reserve taxicabs and premium sedans referred to collectively as**

taxicabs;

(15) "Taxicab company", the use of one or more taxicabs operated as a business carrying persons for hire;

(16) "Taximeter", a meter instrument or device attached to an on-call taxicab or airport taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.

67.1802. There is hereby established a "Regional Taxicab District", with boundaries which shall encompass any city not within a county and any county with a charter form of government and with more than one million inhabitants, including all incorporated municipalities located within such county.

67.1804. For the regional taxicab district, there is hereby established a "Regional Taxicab Commission", which shall be a body politic and corporate vested with all the powers expressly granted to it herein and created for the public purposes of recognizing taxicab service as a public transportation system, improving the quality of the system, and exercising primary authority over the provision of licensing, control and regulations of taxicab services within the district.

67.1806. 1. The regional taxicab commission shall consist of a chairperson plus eight members, four of whom shall be appointed by the chief executive of the city with approval of the board of aldermen, and four of whom shall be appointed by the chief executive of the county with approval of the governing body of the county. Of the eight members first appointed, one city appointee and one county appointee shall be appointed to a four-year term, two city appointees and two county appointees shall be appointed to a three-year term, and one city appointee and one county appointee shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the city and the chief executive officer of the county shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy of a person appointed by that chief executive. All members and the chairperson must reside within the district while serving as a member. All members shall serve without compensation. Nothing shall prohibit a representative of the taxicab industry from being chairperson.

2. In making the eight appointments set forth in subsection 1 of this section, the chief executive officer of the city and the chief executive officer of the county shall collectively select four representatives of the taxicab industry. Such four representatives of the taxicab industry shall include at least one from each of the following:

(1) An owner or designated assignee of a taxicab company which holds at least one but no more than one hundred taxicab licenses;

(2) An owner or designated assignee of a taxicab company which holds at least one hundred one taxicab licenses or more;

(3) A taxicab driver, excluding any employee or independent contractor of a company currently represented on the commission.

The remaining five commission members shall be designated "at large" and shall not be a representative of the taxicab industry or be the spouse of any such person nor be an individual who has a direct material or financial interest in such industry. If any representative of the taxicab industry resigns or is otherwise unable to serve out the term for which such representative was appointed, a similarly situated representative of the taxicab industry shall be appointed to complete the specified term.

67.1808. The regional taxicab commission is empowered to:

(1) Develop and implement plans, policies, and programs to improve the quality of taxicab service and encourage minority participation within the district;

(2) Cooperate and collaborate with the hotel and restaurant industry to:

- (a) Restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and**
- (b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini and shall have authority to create guidelines for hotel and commercial shuttles;**
- (3) Cooperate and collaborate with other governmental entities, including the government of the United States, this state, and political subdivisions of this and other states;**
- (4) Cooperate and collaborate with governmental entities whose boundaries adjoin those of the district to assure that any taxicab or taxicab company neither licensed by the commission nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code applicable to taxicabs operating within the district's boundaries;**
- (5) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of services necessary to improve the quality of taxicab service within the district;**
- (6) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;**
- (7) Execute contracts, sue, and be sued;**
- (8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs within the district consistent with existing ordinances, and to provide for the enforcement of such code for the purpose of improving the quality of taxicab service within the district;**
- (9) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection, and enforcement functions; except that, for the first year after the regional taxicab commission's taxicab code becomes effective, any increase in fees shall not exceed twenty percent of the total fees collected and for subsequent years, the fees may be adjusted annually based on the rate of inflation according to the Consumer Price Index; and**
- (10) Establish accounts with appropriate banking institutions, borrow money, buy, sell, or lease property for the necessary functions of the commission.**

67.1810. 1. To implement internally the powers which it has been granted, the commission shall:

- (1) Elect its own vice chair, secretary, and such other officers as it deems necessary, make such rules as are necessary and consistent with the commission's powers;**
- (2) Provide for the expenditure of funds necessary for the proper administration of the commission's assigned duties;**
- (3) Convene monthly meetings of the entire commission or more often if deemed necessary by the commission members;**
- (4) Make decisions by affirmative vote of the majority of the commission; provided that each of the commissioners, including the chairperson, shall be entitled to one vote on each matter presented for vote and provided further that at least two city appointees and two county appointees, excluding the chairperson, must be included in each majority vote of the commission.**

2. The commission shall not exceed or expend moneys in excess of any fees collected and any moneys provided to the commission pursuant to section 67.1820.

67.1812. Following the appointment of the commissioners, the regional taxicab commission shall meet for the purpose of establishing and adopting a district-wide taxicab code. In promulgating the taxicab code, the commission shall seek, to the extent reasonably practical, to preserve within the code provisions similar to those contained in chapter 8.98 of the city's municipal ordinance and chapter 806 of the county ordinances, both relating to taxicab issues such as licensing, regulation, inspection, and enforcement while avoiding unnecessary overlaps or inconsistencies between the ordinances. The commission shall present a draft of its district-wide taxicab code at public hearings, one of which will be held in the city and another in the county, following prior public notice of same. Notice of the public hearing shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to each hearing in a newspaper of general circulation in the city and county. The commission shall adopt its taxicab code no later than one hundred eighty days after the appointment of the initial commission members. The commission shall have the power to amend the taxicab code from time to time following the initial adoption without the requirement of public notice or hearings.

67.1814. The commission shall further seek the input of the city, county, and airport authority generally regarding the taxicab code and, in particularly with reference to airport taxicabs, shall seek to ensure:

- (1)** Continuous, smooth airport service during any transition period from the current city and county operation to the new regional taxicab commission;
- (2)** The need of the airport authority to provide services at the airport's passenger terminals; and
- (3)** Airport authority involvement as to the servicing of the airport by airport taxicabs.

The commission shall not regulate the airport or airport taxicabs as to cab parking, circulation, cab stands, or passenger loading at the airport, or the payment by airport taxicabs for use of the airport or its facilities.

67.1816. The city and county's ordinances relating to taxicabs shall remain in full force and effect and be enforced as such by the city and county until one hundred twenty days after the regional taxicab commission adopts its taxicab code, at which time such city and county ordinances shall be deemed to be rescinded as well as ordinances adopted by municipalities within the county. Upon the effective date of the taxicab code:

- (1)** All licensing, regulations, inspections, inspections of taxicabs, and enforcement of the taxicab code shall rest exclusively with the regional taxicab commission;
- (2)** All taxicabs subject to the taxicab code shall be required to comply fully with the taxicab code, notwithstanding any previously issued licenses or certificates of convenience;
- (3)** All permits valid and effective as of August 28, 2002, shall remain valid and effective until the date of expiration or renewal of such permit; and
- (4)** All available taxicab licensing, inspection, and related fees previously collected and remaining unspent by other jurisdictions shall be immediately paid over the regional taxicab commission for its future use in administering the taxicab code.

The provisions of this section notwithstanding, existing municipal regulations relating to taxicab curb locations and curb fees as well as local business licenses which do not seek to regulate taxicab use shall not be preempted by the taxicab code except by agreement between the commission and applicable municipality.

67.1818. The commission shall establish as part of the taxicab code its own internal, administrative procedure for decisions involving the granting, denying, suspending, or revoking of licenses. The commission shall study and take into account rate and fee structures as well as the number of existing taxicab licenses within the district in considering new applications for such licenses. The internal procedures set forth in the taxicab code shall allow appeals from license-related decisions to be conducted by independent hearing officers.

67.1820. The regional taxicab commission shall initially establish, subject to public hearings thereon, an annual fee-generated budget required for the effective implementation and enforcement of the taxicab code, taking into account staffing requirements and related expenses as well as all revenue sources, including collection of fees previously paid to and unspent by other enforcing jurisdictions and future fees projected to be collected by the commission. Recognizing the elimination of duties and costs associated with the regulatory and enforcement functions of taxicab administration previously borne by the city and county and being assumed by the commission, the city and county shall have the authority to appropriate additional budgetary funding for the commission's needs.

67.1822. 1. Before the second Monday in April of each year, the regional taxicab commission shall make an annual report to the chief executive officers and to the governing bodies of the city and county stating the conditions of the commission as of the first day of January of that year, and the sums of money received and distributed by it during the preceding calendar year.

2. Before the close of the regional taxicab commission's first fiscal year and at the close of each fiscal year thereafter, the chief executives of the city and the county shall appoint one or more certified public accountants who shall annually examine the books, papers, documents, accounts, and vouchers of the commission, and who shall report thereon to the chief executives of the city and the county and to the regional taxicab commission. The commission shall produce and submit for examination all books, papers, documents, accounts, and vouchers, and shall in every way assist such certified public accountants in the performance of their duties pursuant to this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting after all of said line the following:

"[304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee or property or security manager in lawful possession of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property improperly parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained; or a twenty-four-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property; or

(2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The signature and printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The name of the law enforcement agency notified of the abandoned property.

The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.

4. The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.

7. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.

8. If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.]

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report pursuant to section 304.155.

3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

4. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full- time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

(2) The abandoned property is left unattended on [owner-occupied] residential property with **two to** four residential units [or less], and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ninety-six hours have elapsed since that notification[.]; **or**

(4) The abandoned property is left unattended on owner-occupied single unit residential property, and the owner or agent of the owner has notified the appropriate law enforcement agency.

5. Pursuant to this section, any owner, **agent of the owner of real property**, or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the director of revenue **to all law enforcement agencies and towing companies** and shall contain the following:

- (1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;
- (2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The physical location of the property and the reason for requesting the property to be towed;
- (5) The date the report is completed;
- (6) The printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;
- (7) The towing company's name and address;
- (8) The signature of the towing operator;
- (9) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this section **if any** and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
- (10) Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the law enforcement official receiving the report; and
- (11) Any additional information the director of revenue deems appropriate.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall **provide an abandoned property report for the owner, agent of the owner of real property, or lessee in lawful possession of real property to fill out and after it is filled out shall** deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The registration requirements shall not apply to law enforcement agencies located in counties of the third or fourth classification. The report shall be delivered within two hours if the tow was made from a signed location pursuant to subdivision (1) of subsection 4 of this section, otherwise the report shall be delivered within twenty-four hours.

7. The law enforcement agency receiving such abandoned property report must record the date on which the abandoned property report is filed with such agency and shall promptly make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide law enforcement computer system, and an officer shall sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

8. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.

9. If any owner or lessee of real property knowingly authorizes the removal of abandoned property in violation of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 20

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868, and 738, Page 21, Section 226.200, Lines 10-24, Page 22, Section 226.200, Lines 1 to 24, Page 23, Section 226.200, Lines 1 to 21, by deleting all of said section and inserting in lieu thereof the following:

"226.200. 1. There is hereby created a "State Highways and Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

(1) Money arising from the sale of bonds;

(2) Money received from the United States government; or

(3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid or credited the cost:

(1) Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;

(2) Of maintaining the state highways and transportation commission;

(3) Of maintaining the state transportation department;

(4) Of any workers' compensation for state transportation department employees;

(5) Of the share of the transportation department in any retirement program for state employees, only as may be provided by law; and

(6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

3. [For all future fiscal years,] **Beginning in Fiscal Year 2004**, the total amount of appropriations from the state highways and transportation department fund for all state offices and departments **except for the highway patrol; the department of revenue for actual costs of collecting taxes and fees that are deposited in the state highways and transportation department fund, state road fund and motor fuel tax fund; and actual costs incurred by the office of administration for or on behalf of the highway patrol and the department of revenue for actual collection costs as described in this subsection;** shall [not exceed the total amount appropriated for such offices and

departments from said fund for fiscal year 2001] **be reduced by twenty percent from the total appropriated for such agencies from such fund for fiscal year 2001. Each subsequent fiscal year, the amount appropriated from the state highways and transportation department fund for such agencies shall be reduced by an additional twenty percent of the amount appropriated from said fund for fiscal year 2001 until the total appropriated to such agencies from the state highways and transportation department fund reaches zero in fiscal year 2008. Appropriations so reduced from such agencies shall be replaced by general revenue subject to appropriation.**

4. The provisions of subsection 3 of this section shall not apply to appropriations from the state highways and transportation department fund to the highways and transportation commission and the state transportation department or to appropriations to the office of administration for department of transportation employee fringe benefits and OASDHI payments, or to appropriations to the department of revenue for motor vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the state highways and transportation department fund.

5. All interest earned upon the state highways and transportation department fund shall be deposited in and to the credit of such fund.

6. Any balance remaining in said fund after payment of said costs shall be transferred to the state road fund.

7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the transportation department."

HOUSE AMENDMENT NO. 21

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868, and 738, Page 17, Section 226.134, Line 19, by adding after the words "transportation department," the following:

"The sale of such bonds, pursuant to this section and section 226.133 shall be negotiated, after a competitive selection process, with an underwriting group managed by firms headquartered within the State of Missouri, as long as such firms are not deemed to be unqualified or price uncompetitive. The underwriting group so managed shall have as its first priority the sale of the bonds to Missouri individual investors as long as such sale is not inconsistent with deriving the lowest possible financing costs."

HOUSE AMENDMENT NO. 22

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868, and 738, Page 74, Section 305.230, Line 8, by inserting after said line the following:

"305.700. 1. Sections 305.700 to 305.714 may be cited as the "Missouri Airport Protection Act".

2. As used in sections 305.700 to 305.714, the following terms mean:

(1) "Airport", an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, including buildings, equipment, rights-of-way, property and appurtenant areas, that is open to the public;

(2) "Aviation hazard", any structure, object, or natural growth, or use of land which obstructs the air space required for the flight of aircraft landing or taking off at any airport or is otherwise hazardous to such landing or taking off;

(3) "Commission", the Missouri highways and transportation commission;

- (4) "FAA", the Federal Aviation Administration or its successor agency;**
- (5) "Obstruction", any structure natural or man made, penetrating the navigable airspace as defined in the standards for determining obstructions and navigable airspace in section 305.704;**
- (6) "Permit", an airport structure permit issued by the commission pursuant to sections 305.700 to 305.714;**
- (7) "Person", an individual, firm, partnership, corporation, association or political subdivision. Person includes a trustee, receiver, assignee or other similar representative of a person;**
- (8) "Public airport", an airport open to the public and eligible for public funding;**
- (9) "Structure", an object constructed or installed including, but not limited to, a building, tower, antenna, smokestack or overhead transmission line.**

305.702. 1. The general assembly finds an aviation hazard endangers the lives and property of users of an airport and of occupants of land in its vicinity, and in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein. Certain structures are hazardous to aircraft in flight because of their height or location, especially during periods of reduced visibility and darkness. Structures determined to be hazards are not in the interest of public health, public safety or the general welfare of the people of Missouri.

2. The commission shall establish an airspace review and permit process to regulate structures that may be erected in proximity to public airports of the state and to ensure that they do not interfere with air navigation.

305.704. 1. A permit shall be required before erecting, adding to or replacing any structure:

(1) Within twelve thousand feet of the midpoint of the primary runway and one hundred feet or higher above the elevation of the public airport;

(2) Between twelve thousand one feet and seventeen thousand feet of the midpoint of the primary runway and one hundred fifty feet or higher above the elevation of the public airport.

2. The permit application shall include as a minimum the location of the airport, including latitude and longitude, ground elevation and maximum height of the proposed structure and the distance to, direction from, and elevation of the nearest airport runway. The application will also include a 7.5 minute quadrangle topographical map showing the location of the proposed structure and copies of any application for or determinations from a FAA Form 7460-1, or other applicable federal airspace review form, if required.

3. The application shall be presented by mail or in person to the aviation section of the commission at least thirty days prior to the date of the proposed construction. It is not necessary that ownership of, option for or other possessor right to a specific location site be held by the applicant before the application for a permit is filed with the commission. The commission shall act upon such applications within a reasonable time.

4. No application for a permit shall be required for the emergency repair or replacement of public utility, rural electric cooperative or federally licensed radio or television structures, other than buildings, to ensure continuity of proper customer service, when the height of such structures is not increased by such emergency repair or replacement.

5. Nothing in sections 305.700 to 305.714 shall be construed as prohibiting the construction or maintenance of any structure or growth up to one hundred feet in height above the surface of the land.

6. This section shall not apply to, nor is an application for a permit required, when local aviation hazard zoning or regulation is equal to or more restrictive than this section. If such zoning or regulation is more restrictive, local zoning or regulation supersedes sections 305.700 to 305.714. Nothing contained in this section shall prevent

any political subdivision from adopting more restrictive requirements for structures within its jurisdiction.

305.706. 1. The commission shall investigate all permit applications that meet the criteria contained in section 305.704 and as necessary to process the application properly pursuant to sections 305.700 to 305.714. The investigation shall consider the safety and welfare of persons and property in the air and on the ground.

2. The commission may approve an application for a temporary structure that will be in existence for such a short duration that it will no longer occupy the same airspace at the time a formal application can be considered by the commission. Such approval may be granted only if it is evident that the proposed temporary structure will not adversely affect the safety of air navigation.

3. In cases where the FAA has determined that an aeronautical study is needed, the commission will withhold permit approval until the FAA has completed its study. Sufficient grounds for denial of a permit include objection or determination of a hazard by the FAA, violation of a federal aviation regulation, raising of established approach or vectoring minimums. Considering all information supplied by the applicant and other pertinent information available, the commission shall make a determination to approve or deny the permit within a reasonable time.

305.708. If the application is approved by the commission, a permit shall be issued to the applicant. If, upon investigation, the commission determines that a permit should be denied or that the height or location should be other than applied for, the commission shall notify the applicant in writing. The notification may be sent by first class mail to the applicant at the address specified in the application. The determination is final thirty days after notification of the determination is served, unless the applicant, within the thirty-day period, appeals the determination in writing to the commission and requests a hearing. Such hearing shall be conducted pursuant to section 305.712.

305.710. 1. A permit shall specify any obstruction markings, lighting or other visual or aural identification required to be installed on or in the vicinity of the structure, if any. The identification characteristics shall be in accordance with federal laws and regulations. All obstruction lights required pursuant to this section shall be maintained in an operable condition.

2. If ordered by the commission, the owner of a nonconforming structure that is permanently out of service or partially dismantled, destroyed, deteriorated or decayed shall demolish or remove that structure at the owner's expense.

305.712. 1. An appeal hearing pursuant to this section shall be conducted within forty-five days of the appeal request and shall be open to the public. Any person interested may appear and be heard either in person or by counsel and may present evidence and testimony. The review board for such appeal shall be made up of two representatives from the commission, two members from the state aviation advisory committee, and one member from the closest airport as affected by the site where the structure is proposed. If the proposed structure is associated with a telecommunications tower or antenna, two representatives from the Missouri Telecommunications Industry Association shall also be on the review board. The findings of the review board on any appeal of an application shall be considered to be the final administrative action.

2. Within thirty days after the issuance of an order by the commission, a person aggrieved by the order may appeal to the review board in subsection 1 of this section, or have the action of the commission reviewed by the circuit court in the manner provided for the review of orders of other administrative bodies of this state. A decision of the review board pursuant to subsection 1 of this section may also be appealed pursuant to this subsection.

305.714. 1. The commission shall adopt and promulgate, and may from time to time amend or rescind, reasonable rules and fees for the administration of sections 305.700 to 305.714. The commission shall prescribe and furnish forms necessary for the administration of sections 305.700 to 305.714.

2. The commission shall determine whether violations of sections 305.700 to 305.714, or any rules promulgated

pursuant to sections 305.700 to 305.714 have occurred or are threatened. A notification of a violation or threat of violation shall be sent by certified mail, to the person who owns or controls the structure or land in violation thereof. The notice shall state the location, type of structure and the reasons the structure is or would be in violation of such sections or such regulations. The person shall be requested to correct the violation within thirty days of the notice or show cause to the commission why compliance should not be enforced.

3. The person to whom the notice is directed pursuant to this section may show cause why enforcement should be withheld by filing a written request for a hearing. Such hearing shall be conducted pursuant to section 305.712. Such request shall state, if applicable, facts sufficient to show:

(1) The structure is not an obstruction as defined by section 305.700 to 305.714 or any rules promulgated pursuant to sections 305.700 to 305.714;

(2) The structure is in the airspace of the airport, but it is not an obstruction to the safety of air navigation; and

(3) Any other facts the petitioner deems relevant that would relieve him or her from the terms of the order, including a request for an extension of time to remove the structure.

4. The commission may order action be instituted in the appropriate court of jurisdiction for the enforcement of applicable statutes, rules, regulations, and orders issued pursuant to sections 305.700 to 305.714 and shall investigate violations or threats of violation of sections 305.700 to 305.714 or rules promulgated pursuant to sections 305.700 to 305.714. Any person seeking judicial review of any such statute or rule shall be deemed to have exhausted all administrative review procedures.

5. In addition to any other remedy, the commission may institute in a court of competent jurisdiction an action to enjoin, restrain, correct or abate a violation of sections 305.700 to 305.714 or rules promulgated pursuant to sections 305.700 to 305.714.

6. Sections 305.700 to 305.714, or any rule promulgated pursuant to sections 305.700 to 305.714, shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to sections 305.700 to 305.714, or any rule promulgated pursuant to such sections, prior to August 28, 2001, or as otherwise interfere with the continuance of any nonconforming use. Sections 305.700 to 305.714, or any rule promulgated pursuant to such sections, shall not require any change in the construction, alteration or intended use of any structure, provided that such construction or alteration was begun prior to August 28, 2001, and is diligently prosecuted after August 28, 2001.

7. No rule or portion of a rule promulgated pursuant to sections 305.700 to 305.714 shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.

Section 1. The Commission is prohibited from expending funds, which are presumed for or dedicated to highway use as described in Chapter 142, in the enforcement of sections 305.700 to 305.714."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 24

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 56, Section 227.108, Line 5, by adding after said line all of the following:

"233.298. 1. Whenever a petition, signed by a majority of the residents within a road district organized pursuant to sections 233.170 to 233.315, shall be filed with the county commission of any county of the first classification without a charter form of government and with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants in which such district is situated, setting forth the name of the district and the name and address of each signer of such petition, the county commission shall have

power, if in its opinion the public good will be thereby advanced, to disincorporate such road district. No such road district shall be disincorporated until notice is published in at least one newspaper of general circulation in the county where the district is situated for four weeks successively prior to the hearing of such petition.

2. Whenever a petition signed by at least fifty registered voters residing within the district is filed with the county clerk of the county in which the district is situated, setting forth the name of the district and requesting the disincorporation of such district, the county clerk shall certify for election the following question to be voted upon by the eligible voters of the district:

Shall the..... incorporated road district organized pursuant to sections 233.170 to 233.315, RSMo, be dissolved?

[] YES [] NO

If a majority of the persons voting on the question are in favor of the proposition, then the county commission shall disincorporate the road district. All assets and equipment of the road district shall revert to the county in which the district is situated and any taxes levied for such road district shall no longer be assessed.

3. The petition filed pursuant to subsection 2 of this section shall be submitted to the clerk of the county no later than eight weeks prior to the next countywide election at which the question will be voted upon."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 25

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting in the appropriate location the following:

"436.300. Notwithstanding any other law to the contrary, all parties to any contract or agreement for private construction work that is between any owner and any contractor, or between any contractor and any subcontractor, or between any subcontractor and any sub-subcontractor, or any supplier at whatever tier for construction, reconstruction, maintenance, alteration, or repair for a private owner of any building, improvement, structure, private road, appurtenance, or appliance, including moving, demolition, or any excavating connected therewith, shall make payment in accordance with the terms of such contract or agreement, provided such terms are not inconsistent with the provisions of sections 436.300 to 436.336.

436.303. A contract or agreement may include a provision for the retainage of a portion of any payment due from the owner to the contractor, not to exceed ten percent of the amount of such payment due pursuant to the contract or agreement, to ensure the proper performance of the contract or agreement, provided that the contract may provide that if the contractor's performance is not in accordance with the terms of the contract or agreement, the owner may retain additional sums to protect the owner's interest in satisfactory performance of the contract or agreement. The amount or amounts so retained by the owner shall be referred to in sections 436.300 to 436.336 as "retainage", and shall be held by the owner in trust for the benefit of the contractor and contractor's subcontractors, sub-subcontractors, and suppliers at whatever tier who are not in default, in proportion to their respective interests. Such retainage shall be subject to the conditions and limitations listed in section 436.300 to 436.336.

436.306. 1. The contractor may tender to the owner acceptable substitute security as set forth in section 436.312 with a written request for release of retainage in the amount of the substitute security. The contractor shall thereupon either:

- (1) Be entitled to receive cash payment of retainage pursuant to this section; or
- (2) Not be subject to the withholding of retainage, in either case, to the extent of the security tendered, provided

that the contractor is not in default of its agreement with the owner.

2. If the tender described in subsection 1 of this section is made after retainage has been withheld, the owner shall, within five working days after receipt of the tender, pay to the contractor the withheld retainage to the extent of the substitute security. If the tender described in subsection 1 of this section is made before retainage has been withheld, the owner shall, to the extent of the substitute security, refrain from withholding any retainage from the future payments.

436.309. A subcontractor of the contractor may tender to the contractor acceptable substitute security as set forth in section 436.312 with a written request for release of retainage in the amount of the substitute security. The contractor shall tender the subcontractor's substitute security to the owner with a like request, pursuant to the provisions of section 436.306. Provided that the subcontractor is not in default of its agreement with the contractor, the contractor shall pay over to the subcontractor, within five working days after receipt, any accumulated retainage paid by the owner to the contractor on account of substitute security tendered by the subcontractor, except that the contractor shall not be required to pay over retainage in excess of the amount properly attributable to work completed by the subcontractor at the time of payment. Provided that the subcontractor is not in default of its agreement with the contractor, the contractor shall refrain from withholding retainage from payments to the subcontractor to the extent the owner has refrained from withholding retainage from payments to the contractor on account of the subcontractor's substituted security. The subcontractor shall be entitled to receive, upon receipt by the contractor, all income received by the contractor from the owner on account of income producing securities deposited by the subcontractor as substitute security. Except as otherwise provided in this section, the contractor shall have no obligation to collect or pay to a subcontractor retainage on account of substitute security tendered by the subcontractor.

436.312. 1. The following shall constitute acceptable substitute security for purposes of sections 436.306 and 436.309:

- (1) Certificates of deposit drawn and issued by a national banking association located in this state or by any banking corporation incorporated pursuant to the laws of this state; and mutually agreeable to the project owner and the contractor or subcontractor, in the amount of the retainage released. If the letter of credit is not renewed at least sixty days before the expiration of the letter of credit, the owner may draw upon the letter of credit regardless of the contractor's or subcontractor's performance for an amount equal to or no greater than the value of the amount of work remaining to be performed by the contractor or subcontractor.
- (2) A retainage bond naming the owner as obligee issued by any surety company authorized to issue surety bonds in this state in the amount of the retainage released; or
- (3) An irrevocable and unconditional letter of credit in favor of the owner, issued by a national banking association located in this state or by any banking corporation incorporated pursuant to the laws of this state, in the amount of the retainage released.

2. The contractor shall be entitled to receive, in all events, all interest and income earned on any securities deposited by the contractor in substitution for retainage.

436.315. A contractor shall not withhold from any subcontractor any retainage in excess of the retainage withheld from the contractor by the owner for the subcontractor's work, unless the subcontractor's performance is not in accordance with the terms of the subcontract, in which case, subject to the terms of the subcontract, the contractor may retain additional sums to ensure the subcontractor's satisfactory performance of the subcontract.

436.318. Upon the release of retainage by the owner to the contractor, other than for substituted security pursuant to sections 436.306 and 436.312, the contractor shall pay to each subcontractor the subcontractor's ratable share of the retainage released, provided that all conditions of the subcontract for release of retainage to the subcontractor have been satisfied.

436.321. If it is determined that a subcontractor's performance has been satisfactorily and substantially completed and the subcontractor can be released prior to substantial completion of the entire project without risk to the owner involving the subcontractor's work, the contractor shall request such adjustment in retainage, if any, from the owner as necessary to enable the contractor to pay the subcontractor in full or in proportion to the amount of work that has been satisfactorily and substantially completed on the project, and the owner shall as part of the next contractual payment cycle release the subcontractor's retainage to the contractor, who shall in turn as part of the next contractual payment cycle release such retainage as is due the subcontractor.

436.324. Within thirty days of the project reaching substantial completion, as defined in section 436.327, all retainage or substitute security shall be released by the owner to the contractor less an amount equal to one hundred fifty percent of the costs to complete any remaining items. Upon receipt of such retainage from the owner, the contractor shall within seven days release to each subcontractor that subcontractor's share of the retainage.

436.327. The project shall be deemed to have reached substantial completion upon the occurrence of the earlier of one of the following events:

- (1) The architect or engineer issues a certificate of substantial completion;**
- (2) The applicable governmental agency issues a use or occupancy permit; or**
- (3) The owner begins to use or could have begun to use the project for its intended purpose.**

436.330. Subcontractors and sub-subcontractors of every tier shall comply with the provisions of sections 436.300 to 436.336 in their relations with their sub-subcontractors and suppliers and shall be bound by the same obligations to their sub-subcontractors and suppliers as contractors are to their subcontractors.

436.333. A contract or agreement formed after August 28, 2002, shall be unenforceable to the extent that its provisions are inconsistent with sections 436.300 to 436.336. If retainage is withheld in violation of sections 436.300 to 436.360, a court may, in addition to any other award for damages, award interest at the rate of up to one and one-half percent per month from the date of such wrongful or improper withholding of retainage. In any action brought to enforce sections 436.300 to 436.336, a court may award reasonable attorney's fees to the prevailing party. If the parties elect to resolve the dispute by arbitration pursuant to section 436.350, the arbitrator may award any remedy that a court is authorized to award.

436.336. Sections 436.300 to 436.336 shall apply to contracts and agreements entered into after August 28, 2002. Sections 436.300 to 436.336 shall apply to all private construction projects, except single-family residential construction and other residential construction consisting of four or fewer units."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 26

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 44, Section 226.585.1, Line 10, by inserting after the word "commission" the following:

"and shall not be denied without good cause."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 27

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 226.137, Line 9, by

inserting after said section the following:

"226.201. 1. Beginning the first fiscal year following the effective date of this act, ten percent of the actual net general revenue receipts which exceed the actual net general revenue receipts received in the most recent fiscal year in which actual net receipts are known, shall be used to fund, subject to appropriation, the costs of state offices and departments no longer receiving appropriations from the state highways and transportation department fund pursuant to subsection 3 of section 226.200.

2. If the amount of actual net general revenue receipts collected under subsection one of this section exceeds the cost of such state agencies and departments, the excess shall be deposited in the state road fund, as established in section 226.200."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 28

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills No. 970, 968, 921, 867, 868, and 738, Page 16, Section 226.030, Line 18, by inserting after the word "**commission.**" the following: "**Such candidates shall be submitted to the governor by June first in even-numbered years.**"

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Dougherty moved that **SCS** for **HB 1811**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **HB 1811**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Sims--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Mathewson moved that **SCS** for **HB 1093, HB 1094, HB 1159, HB 1204, HB 1242, HB 1272, HB 1391,**

HB 1397, HB 1411, HB 1624, HB 1632, HB 1714, HB 1755, HB 1778, HB 1779, HB 1852, HB 1862, HB 2025 and HB 2123, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Rohrbach assumed the Chair.

On motion of Senator Mathewson, **SCS** for **HB 1093, HB 1094, HB 1159, HB 1204, HB 1242, HB 1272, HB 1391, HB 1397, HB 1411, HB 1624, HB 1632, HB 1714, HB 1755, HB 1778, HB 1779, HB 1852, HB 1862, HB 2025 and HB 2123**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Jacob	Singleton--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 1443**, with **SCS**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to the Safe Place for Newborns Act.

Was taken up by Senator Gibbons.

SCS for **HCS** for **HB 1443**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1443

An Act to repeal sections 210.145, 211.031 and 211.181, RSMo, and to enact in lieu thereof four new sections relating to child abandonment.

Was taken up.

Senator Gibbons moved that **SCS** for **HCS** for **HB 1443** be adopted.

Senator Gibbons offered **SS** for **SCS** for **HCS** for **HB 1443**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1443

An Act to repeal sections 192.016 and 453.030, RSMo, and to enact in lieu thereof three new sections relating to child abandonment.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HB 1443** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1443, Page 3, Section 192.016, Line 14, by inserting after all of said line, the following:

"210.566. 1. The division of family services and its contractors shall treat foster parents with courtesy, respect and consideration. Foster parents shall treat the children in their care, the child's birth family and members of the child welfare team with courtesy, respect and consideration.

2. (1) The division of family services and its contractors shall provide foster parents with training, pre-service and in-service, and support. The division of family services and its contractors shall share all pertinent information about the child and the child's family, including but not limited to, the case plan with the foster parents to assist in determining if a child would be a proper placement. The division of family services and its contractors shall inform the foster parents of issues relative to the child that may jeopardize the health or safety of the foster family. The division of family services and its contractors shall arrange pre-placement visits, except in emergencies. The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the division of family services shall update the foster parents as new information about the child is gathered. Foster parents shall be informed of upcoming meetings and staffings, and shall be allowed to participate, consistent with section 210.761. The division of family services shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545.

(2) Foster parents shall treat all information received from the division of family services about the child and the child's family as confidential. Foster parents may share information they may learn about the child and the child's family with the caseworker and other members of the child welfare team. Recognizing that placement changes are difficult for children, foster parents shall seek all necessary information, and participate in pre-placement visits, before deciding whether to accept a child for placement. Foster parents shall follow all procedures defined by the division of family services for requesting and using respite care.

3. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The division of family services shall allow foster parents to help plan visitation between the child and the child's biological family.

(2) Foster parents shall provide care that is respectful of the child's cultural identity and needs. Foster parents shall recognize that the purpose of discipline is to teach and direct the behavior of the child, and ensure that it is administered in a humane and sensitive manner. Recognizing that visitation with family members is an important right, foster parents shall be flexible and cooperative in regard to family visits.

4. (1) Consistent with state laws and regulations, the state may provide, upon request by the foster parents, information about a child's progress after the child leaves foster care. Except in emergencies, foster parents shall be given advance notice consistent with division policy, and a written statement of the reasons before a child is removed from their care. If a child re-enters the foster care system, the child's foster parents shall be considered as a placement option. If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070, RSMo.

(2) Confidentiality rights of the child and the child's parents shall be respected and maintained. Foster parents shall inform the child's caseworker of their interest if a child re-enters the system. If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker in a timely manner. If they do not choose to pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home. When requesting removal of a child from their home, foster parents shall give reasonable advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.

5. (1) Foster parents shall be informed by the court in a timely manner of all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464, RSMo.

(2) Foster parents shall share any concerns regarding the case plan for a child in their care with the child's caseworker, as well as other members of the child welfare team, in a timely manner.

6. Foster parents shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal. Foster parents shall know and follow the policies of the state, including the appeals procedure."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Gross raised the point of order that **SA 1** is out of order, as it is outside the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1443, Page 3, Section 192.016, Line 14 of said page, by inserting after all of said line the following:

"210.145. 1. The division shall establish and maintain an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. Upon receipt of a report, the division shall immediately communicate such report to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

3. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation, or, which, if true, would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or

other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to commit any such crimes. The local office shall provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

4. The local office of the division shall cause an investigation or family assessment and services approach to be initiated immediately or no later than within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. When the child is reported absent from the residence, the location and the well-being of the child shall be verified.

5. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The public school district liaison shall be designated by the superintendent of each school district. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation.

6. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

7. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

8. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

9. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

10. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

11. If the appropriate local division personnel determines to use a family assessment and services approach, the

division shall:

- (1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;
- (2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;
- (3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;
- (4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

12. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

13. A person required to report under section 210.115 to the division shall be informed by the division of his right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. A person required to report to the division pursuant to section 210.115 may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the mandated reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the mandated reporter within five days of the outcome of the investigation.

14. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However, nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made.

15. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

16. The division of family services is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

[16.] **17.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and

Further amend said bill, Page 7, Section 210.950, Line 7 of said page, by inserting after all of said line the following:

"211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130, RSMo;

(d) The child or person seventeen years of age is a child in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570, RSMo, with the consent of the receiving court;

(5) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours.

211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child or person seventeen years of age.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would

be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 2** is out of order, as it is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1443, Page 3, Section 192.016, Line 14, by inserting after all of said line, the following:

"210.566. 1. (1) The division of family services and its contractors shall provide foster parents with training, pre-service and in-service, and support. The division of family services and its contractors shall share all pertinent information about the child and the child's family, including but not limited to, the case plan with the foster parents to assist in determining if a child would be a proper placement. The division of family services and its contractors shall inform the foster parents of issues relative to the child that may jeopardize the health or safety of the foster family. The division of family services and its contractors shall arrange pre-placement visits, except in emergencies. The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the division of family services shall update the foster parents as new information about the child is gathered. Foster parents shall be informed of upcoming meetings and staffings, and shall be allowed to participate, consistent with section 210.761. The division of family services shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545.

(2) Foster parents shall treat all information received from the division of family services about the child and the child's family as confidential. Foster parents may share information they may learn about the child and the child's family with the caseworker and other members of the child welfare team. Recognizing that placement

changes are difficult for children, foster parents shall seek all necessary information, and participate in pre-placement visits, before deciding whether to accept a child for placement. Foster parents shall follow all procedures defined by the division of family services for requesting and using respite care.

2. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The division of family services shall allow foster parents to help plan visitation between the child and the child's biological family.

(2) Foster parents shall provide care that is respectful of the child's cultural identity and needs. Foster parents shall recognize that the purpose of discipline is to teach and direct the behavior of the child, and ensure that it is administered in a humane and sensitive manner. Recognizing that visitation with family members is an important right, foster parents shall be flexible and cooperative in regard to family visits.

3. (1) Consistent with state laws and regulations, the state may provide, upon request by the foster parents, information about a child's progress after the child leaves foster care. Except in emergencies, foster parents shall be given advance notice consistent with division policy, and a written statement of the reasons before a child is removed from their care. If a child re-enters the foster care system, the child's foster parents shall be considered as a placement option. If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070, RSMo.

(2) Confidentiality rights of the child and the child's parents shall be respected and maintained. Foster parents shall inform the child's caseworker of their interest if a child re-enters the system. If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker in a timely manner. If they do not choose to pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home. When requesting removal of a child from their home, foster parents shall give reasonable advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.

4. (1) Foster parents shall be informed by the court in a timely manner of all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464, RSMo.

(2) Foster parents shall share any concerns regarding the case plan for a child in their care with the child's caseworker, as well as other members of the child welfare team, in a timely manner.

5. Foster parents shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal. Foster parents shall know and follow the policies of the state, including the appeals procedure."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 3** is out of order as the amendment is not germane, as it goes beyond the scope of the bill and further that it is dilatory in nature.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HB 1443**, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **HCS** for **HB 1443** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Coleman--1

Absent--Senators

Jacob	Quick	Staples--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Singleton assumed the Chair.

HB 1041, with **SCS**, introduced by Representative Myers, entitled:

An Act to repeal section 94.875, RSMo, and to enact in lieu thereof one new section relating to tourism tax trust funds in certain cities.

Was taken up by Senator Childers.

SCS for **HB 1041**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1041

An Act to repeal sections 67.1360, 92.327, 92.336, 94.875 and 620.467, RSMo, relating to tourism, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Childers moved that **SCS** for **HB 1041** be adopted.

Senator Childers offered **SS** for **SCS** for **HB 1041**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1041

An Act to repeal sections 67.1360, 92.327, 92.336, 94.875 and 620.467, RSMo, relating to tourism, and to enact in lieu thereof twelve new sections relating to the same subject.

Senator Childers moved that **SS** for **SCS** for **HB 1041**, be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 4, Section 67.1360, Line 26, by striking the word "or" as is appears at the end of said line; and

Further amend said bill and section, Page 5, Line 4, by inserting after "inhabitants;" the following: "**or**

(23) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 5, Section 67.1360, Line 21, by inserting immediately after said line the following:

"67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:

- (1) "Airport authority", an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county, and other approximate counties within the region;**
- (2) "Airport", Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;**
- (3) "Airport taxicab", a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular specific route, and the charge is made on the basis of distance traveled as indicated by the taximeter;**
- (4) "Chief executive", the mayor of the city and the county executive of the county;**
- (5) "City", a city not within a county;**
- (6) "Commission", the regional taxicab commission created in section 67.1804;**
- (7) "County", a county with a charter form of government and with more than one million inhabitants;**
- (8) "District", the geographical area encompassed by the regional taxicab commission;**
- (9) "Driver", an individual operator of a motor vehicle and may be an employee or independent contractor;**
- (10) "Hotel and restaurant industry", the group of enterprises actively engaged in the business of operating lodging and dining facilities for transient guests;**
- (11) "Municipality", a city, town, or village which has been incorporated in accordance with the laws of the state of Missouri;**

(12) "On-call/reserve taxicab", any motor vehicle or nonmotorized carriage engaged in the business of carrying persons for hire on the streets of the district, whether the same is hailed on the streets by a passenger or is operated from a street stand, from a garage on a regular route, or between fixed termini on a schedule, and where no regular or specific route is traveled, passengers are taken to and from such places as they designate, and the charge is made on the basis of distance traveled as indicated by a taximeter;

(13) "Premium sedan", any motor vehicle engaged in the business of carrying persons for hire on the streets of the district which seats a total of five or less passengers in addition to a driver and which carries in each vehicle a manifest or trip ticket containing the name and pickup address of the passenger or passengers who have arranged for the use of the vehicle, and the charge is a prearranged fixed contract price quoted for transportation between termini selected by the passenger;

(14) "Taxicab", airport taxicabs, on-call/reserve taxicabs and premium sedans referred to collectively as taxicabs;

(15) "Taxicab company", the use of one or more taxicabs operated as a business carrying persons for hire;

(16) "Taximeter", a meter instrument or device attached to an on-call taxicab or airport taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.

67.1802. There is hereby established a "Regional Taxicab District", with boundaries which shall encompass any city not within a county and any county with a charter form of government and with more than one million inhabitants, including all incorporated municipalities located within such county.

67.1804. For the regional taxicab district, there is hereby established a "Regional Taxicab Commission", which shall be a body politic and corporate vested with all the powers expressly granted to it herein and created for the public purposes of recognizing taxicab service as a public transportation system, improving the quality of the system, and exercising primary authority over the provision of licensing, control and regulations of taxicab services within the district.

67.1806. 1. The regional taxicab commission shall consist of a chairperson plus eight members, four of whom shall be appointed by the chief executive of the city with approval of the board of aldermen, and four of whom shall be appointed by the chief executive of the county with approval of the governing body of the county. Of the eight members first appointed, one city appointee and one county appointee shall be appointed to a four-year term, two city appointees and two county appointees shall be appointed to a three-year term, and one city appointee and one county appointee shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the city and the chief executive officer of the county shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy of a person appointed by that chief executive. All members and the chairperson must reside within the district while serving as a member. All members shall serve without compensation. Nothing shall prohibit a representative of the taxicab industry from being chairperson.

2. In making the eight appointments set forth in subsection 1 of this section, the chief executive officer of the city and the chief executive officer of the county shall collectively select four representatives of the taxicab industry. Such four representatives of the taxicab industry shall include at least one from each of the following:

(1) An owner or designated assignee of a taxicab company which holds at least one but no more than one hundred taxicab licenses;

(2) An owner or designated assignee of a taxicab company which holds at least one hundred one taxicab licenses or more;

(3) A taxicab driver, excluding any employee or independent contractor of a company currently represented on the commission.

The remaining five commission members shall be designated "at large" and shall not be a representative of the taxicab industry or be the spouse of any such person nor be an individual who has a direct material or financial interest in such industry. If any representative of the taxicab industry resigns or is otherwise unable to serve out the term for which such representative was appointed, a similarly situated representative of the taxicab industry shall be appointed to complete the specified term.

67.1808. The regional taxicab commission is empowered to:

- (1) Develop and implement plans, policies, and programs to improve the quality of taxicab service within the district;**
- (2) Cooperate and collaborate with the hotel and restaurant industry to:**
 - (a) Restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and**
 - (b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini and shall have authority to create guidelines for hotel and commercial shuttles;**
- (3) Cooperate and collaborate with other governmental entities, including the government of the United States, this state, and political subdivisions of this and other states;**
- (4) Cooperate and collaborate with governmental entities whose boundaries adjoin those of the district to assure that any taxicab or taxicab company neither licensed by the commission nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code applicable to taxicabs operating within the district's boundaries;**
- (5) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of services necessary to improve the quality of taxicab service within the district;**
- (6) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;**
- (7) Execute contracts, sue, and be sued;**
- (8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs within the district consistent with existing ordinances, and to provide for the enforcement of such code for the purpose of improving the quality of taxicab service within the district;**
- (9) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection, and enforcement functions; except that, for the first year after the regional taxicab commission's taxicab code becomes effective, any increase in fees shall not exceed twenty percent of the total fees collected and for subsequent years, the fees may be adjusted annually based on the rate of inflation according to the Consumer Price Index; and**
- (10) Establish accounts with appropriate banking institutions, borrow money, buy, sell, or lease property for the necessary functions of the commission.**

67.1810. 1. To implement internally the powers which it has been granted, the commission shall:

- (1) Elect its own vice chair, secretary, and such other officers as it deems necessary, make such rules as are necessary and consistent with the commission's powers;**

(2) Provide for the expenditure of funds necessary for the proper administration of the commission's assigned duties;

(3) Convene monthly meetings of the entire commission or more often if deemed necessary by the commission members;

(4) Make decisions by affirmative vote of the majority of the commission; provided that each of the commissioners, including the chairperson, shall be entitled to one vote on each matter presented for vote and provided further that at least two city appointees and two county appointees, excluding the chairperson, must be included in each majority vote of the commission.

2. The commission shall not exceed or expend moneys in excess of any fees collected and any moneys provided to the commission pursuant to section 67.1820.

67.1812. Following the appointment of the commissioners, the regional taxicab commission shall meet for the purpose of establishing and adopting a district-wide taxicab code. In promulgating the taxicab code, the commission shall seek, to the extent reasonably practical, to preserve within the code provisions similar to those contained in chapter 8.98 of the city's municipal ordinance and chapter 806 of the county ordinances, both relating to taxicab issues such as licensing, regulation, inspection, and enforcement while avoiding unnecessary overlaps or inconsistencies between the ordinances. The commission shall present a draft of its district-wide taxicab code at public hearings, one of which will be held in the city and another in the county, following prior public notice of same. Notice of the public hearing shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to each hearing in a newspaper of general circulation in the city and county. The commission shall adopt its taxicab code no later than one hundred eighty days after the appointment of the initial commission members. The commission shall have the power to amend the taxicab code from time to time following the initial adoption without the requirement of public notice or hearings.

67.1814. The commission shall further seek the input of the city, county, and airport authority generally regarding the taxicab code and, in particularly with reference to airport taxicabs, shall seek to ensure:

(1) Continuous, smooth airport service during any transition period from the current city and county operation to the new regional taxicab commission;

(2) The need of the airport authority to provide services at the airport's passenger terminals; and

(3) Airport authority involvement as to the servicing of the airport by airport taxicabs.

The commission shall not regulate the airport or airport taxicabs as to cab parking, circulation, cab stands, or passenger loading at the airport, or the payment by airport taxicabs for use of the airport or its facilities.

67.1816. The city and county's ordinances relating to taxicabs shall remain in full force and effect and be enforced as such by the city and county until one hundred twenty days after the regional taxicab commission adopts its taxicab code, at which time such city and county ordinances shall be deemed to be rescinded as well as ordinances adopted by municipalities within the county. Upon the effective date of the taxicab code:

(1) All licensing, regulations, inspections, inspections of taxicabs, and enforcement of the taxicab code shall rest exclusively with the regional taxicab commission;

(2) All taxicabs subject to the taxicab code shall be required to comply fully with the taxicab code, notwithstanding any previously issued licenses or certificates of convenience;

(3) All permits valid and effective as of August 28, 2002, shall remain valid and effective until the date of expiration or renewal of such permit; and

(4) All available taxicab licensing, inspection, and related fees previously collected and remaining unspent by other jurisdictions shall be immediately paid over the regional taxicab commission for its future use in administering the taxicab code.

The provisions of this section notwithstanding, existing municipal regulations relating to taxicab curb locations and curb fees as well as local business licenses which do not seek to regulate taxicab use shall not be preempted by the taxicab code except by agreement between the commission and applicable municipality.

67.1818. The commission shall establish as part of the taxicab code its own internal, administrative procedure for decisions involving the granting, denying, suspending, or revoking of licenses. The commission shall study and take into account rate and fee structures as well as the number of existing taxicab licenses within the district in considering new applications for such licenses. The internal procedures set forth in the taxicab code shall allow appeals from license-related decisions to be conducted by independent hearing officers.

67.1820. The regional taxicab commission shall initially establish, subject to public hearings thereon, an annual fee-generated budget required for the effective implementation and enforcement of the taxicab code, taking into account staffing requirements and related expenses as well as all revenue sources, including collection of fees previously paid to and unspent by other enforcing jurisdictions and future fees projected to be collected by the commission. Recognizing the elimination of duties and costs associated with the regulatory and enforcement functions of taxicab administration previously borne by the city and county and being assumed by the commission, the city and county shall have the authority to appropriate additional budgetary funding for the commission's needs.

67.1822. 1. Before the second Monday in April of each year, the regional taxicab commission shall make an annual report to the chief executive officers and to the governing bodies of the city and county stating the conditions of the commission as of the first day of January of that year, and the sums of money received and distributed by it during the preceding calendar year.

2. Before the close of the regional taxicab commission's first fiscal year and at the close of each fiscal year thereafter, the chief executives of the city and the county shall appoint one or more certified public accountants who shall annually examine the books, papers, documents, accounts, and vouchers of the commission, and who shall report thereon to the chief executives of the city and the county and to the regional taxicab commission. The commission shall produce and submit for examination all books, papers, documents, accounts, and vouchers, and shall in every way assist such certified public accountants in the performance of their duties pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 8, Section 94.875, Line 15, by inserting after all of said line the following:

"311.481. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink between the hours of 11:00 a.m. on Sunday and midnight on Sunday at retail for consumption on the premises of any airline club as described in the application. As used in this section, the term "airline club" shall mean an establishment located within an international airport and owned, leased, or operated by or on behalf of an airline, as a membership club and special services facility for passengers of such airline.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to each airline club in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a person licensed pursuant to this section shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees; except that the requirements other than fees pertaining to the sale of liquor by the drink on Sunday shall not apply."; and

Further amend said bill, Page 15, Section 620.467, Line 14, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to clarify the law relating to Sunday liquor sales in airline clubs, the enactment of section 311.481 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 311.481 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Childers, **HB 1041**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees be allowed to exceed the differences on **SCS** for **HCS** for **HBs 1101** through **1112**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1468** and has taken up and passed **SCS** for **HB 1468**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1473** and has taken up and passed **SCS** for **HB 1473**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 1888** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1888**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HBs 1205, 1214, 1314, 1320, 1504, 1788, 1867** and **1969** and has taken up and passed **SCS** for **HBs 1205, 1214, 1314, 1320, 1504, 1788, 1867** and **1969**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1789** and has taken up and passed **SCS** for **HB 1789**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 1712** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 1202** and grants the Senate a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 1086** and **1126**: Senators Quick, Stoll, Childers, Klindt and Bentley.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 1202**: Senators Westfall, Russell, Cauthorn, Staples and Goode.

On motion of Senator Kenney, the Senate recessed until 1:40 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

Photographers from NBC-41 were given permission to take pictures in the Senate Chamber today.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that **HCR 18** be taken up for adoption, which motion prevailed.

On motion of Senator Mathewson, **HCR 18** was adopted by the following vote:

YEAS--Senators			
Caskey	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Cauthorn	Childers
Coleman	Dougherty	Quick	Staples--8
Absent with leave--Senator DePasco--1			

Senator Rohrbach assumed the Chair.

Senator Foster moved that **HCR 25** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Foster, **HCR 25** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Dougherty	Quick	Sims
Staples--5	Absent with leave--Senator DePasco--1		

The President declared the concurrent resolution passed.

On motion of Senator Foster, title to the concurrent resolution was agreed to.

Senator Foster moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 1713, regarding the Golden Anniversary of the establishment of STE Communications, Steelville, which was adopted.

Senator Steelman offered Senate Resolution No. 1714, regarding the Twenty-first Birthday of Sarah Itasca Hays Raymann Hearne, Springfield, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1715, regarding Jenna Rohr, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1716, regarding Aaron Baker, which was adopted.

Senator Johnson offered Senate Resolution No. 1717, regarding Paula Donnici, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 1718, regarding J. Thomas "Tom" Lovell, Jr., Lee's Summit, which was adopted.

Senators Gross, Kennedy, Loudon and Goode offered the following resolution:

SENATE RESOLUTION NO. 1719

WHEREAS, the Lambert-St. Louis International Airport provides essential transportation to the citizens of the State of Missouri as well as to citizens from all over the globe; and

WHEREAS, the St. Louis Airport Authority was established to promote the general welfare and provide for safe and convenient air travel and transportation to and from the St. Louis regional area; and

WHEREAS, the study for regional control and ownership of Lambert-St. Louis International Airport warrants further investigation:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, hereby establish the "Select Committee on the Regional Control of the Lambert-St. Louis International Airport" to be composed of seven members of the Senate with no fewer than two members whose districts represent the City of St. Louis, with no fewer than two members whose districts represent St. Louis County and with the remaining senators to be selected with no more than two from any other county; and

BE IT FURTHER RESOLVED, the committee shall make an in-depth study of potential effects of the regional control or ownership of the Lambert-St. Louis International Airport and shall determine the benefits or detriments, including but not limited to:

- (1) Financial ramifications for the City of St. Louis and the State of Missouri;
- (2) Compensation of the current owners of the Lambert-St. Louis International Airport as a part of any transfer of ownership of the Lambert-St. Louis International Airport;
- (3) Revenue sources and current operations of the Lambert-St. Louis International Airport Authority;
- (4) Potential assumption of the bond indebtedness of the City of St. Louis for the ownership, operation and growth of Lambert-St. Louis International Airport;
- (5) Issues involving employee compensation, including wages, pension plans and other benefit programs which may arise as a result of any transfer of ownership;
- (6) Issues between the City of St. Louis and any new regional authority.

The committee shall make such recommendations as it deems necessary and shall be authorized to function from July 1, 2002, to December 31, 2002; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate shall appoint the members of the committee by July 1, 2002, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman; and

BE IT FURTHER RESOLVED, that the committee shall study and prepare a report, together with its recommendations for submission to the General Assembly by December 31, 2002; and

BE IT FURTHER RESOLVED, that the staff of Senate Research shall provide such legal, clerical, technical and bill drafting services as the committee may require in the performance of its duties. The expenses related to this committee shall be paid from the Senate contingency fund; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 73**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 75**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which were referred **SS No. 2** for **SCS** for **HB 1446**; and **HCS** for **HB 1898** with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate conferees be allowed to exceed the differences on **SCS** for **HCS** for **HBs 1101** through **SCS** for **HCS** for **HB 1112**, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1120**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up by Senator Russell.

On motion of Senator Russell, **HCS** for **HB 1120** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick	Staples--2
	Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1121, with **SCS**, introduced by Representative Green (73), entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up by Senator Russell.

SCS for **HB 1121**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1121

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several

departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up.

Senator Russell moved that **SCS** for **HB 1121** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HB 1121** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1712**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1712**, as amended: Senators Klarich, Gibbons, Kenney, Caskey and Schneider.

HOUSE BILLS ON THIRD READING

HB 1600, introduced by Representative Treadway, entitled:

An Act to repeal section 318.100, RSMo, and to enact in lieu thereof one new section relating to licensing requirements.

Was taken up by Senator Mathewson.

Senator Mathewson offered **SS** for **HB 1600**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1600

An Act to repeal section 318.100, RSMo, and to enact in lieu thereof seven new sections relating to licensing requirements.

Senator Mathewson moved that **SS** for **HB 1600** be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1600, Page 1, Section 318.100, Line 10 of said page, by inserting immediately after said line the following:

"324.400. As used in sections 324.400 to 324.439, the following terms mean:

(1) ["Council", the interior design council created in section 324.406;

(2)] "Department", the department of economic development;

[(3)] (2) "Division", the division of professional registration of the department of economic development;

[(4)] (3) "Registered commercial interior designer", a design professional who provides services including preparation of documents and specifications relative to nonload bearing interior construction, furniture, finishes, fixtures and equipment and who meets the criteria of education, experience and examination as provided in sections 324.400 to 324.439.

324.409. 1. To be a registered commercial interior designer, a person:

(1) Shall take and pass or have passed the examination administered by the National Council for Interior Design Qualification or an equivalent examination approved by the [council] **division**. In addition to proof of passage of the examination, the application shall provide substantial evidence to the [council] **division** that the applicant:

(a) Is a graduate of a five-year or four-year interior design program from an accredited institution and has completed at least two years of diversified and appropriate interior design experience; or

(b) Has completed at least three years of an interior design curriculum from an accredited institution and has completed at least three years of diversified and appropriate interior design experience; or

(c) Is a graduate of a two-year interior design program from an accredited institution and has completed at least four years of diversified and appropriate interior design experience;

(2) Within twenty-four months of August 28, 1998, a person may qualify for registration by providing substantial evidence to the [council] **division** that the applicant:

(a) Has passed the full examination administered by the National Council for Interior Design Qualification or an equivalent state examination approved by the [council] **division** and has a minimum of six years of interior design experience acceptable to the [council] **division**;

(b) Has passed or intends to take and pass within the next twelve months the building and barrier-free portion of the examination administered by the National Council for Interior Design Qualification or an equivalent state codes examination approved by the [council] **division** and has provided satisfactory evidence of having used or been

identified by the title, interior designer, and has diversified and appropriate experience totaling a minimum of ten years; or

(c) Has taken and passed the building and barrier-free portion of the examination administered by the National Council for Interior Design Qualification or an equivalent state codes examination approved by the [council] **division**, and has passed the American Institute of Interior Designers accreditation examination; or

(3) May qualify who is currently registered pursuant to sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture and registered with the [council] **division**. Such applicant shall give authorization to the [council] **division** in order to verify current registration with sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture.

2. Verification of experience required pursuant to this section shall be based on a minimum of five client references, business or employment verification and five industry references, submitted to the [council] **division**.

3. The [council] **division** shall verify if an applicant has complied with the provisions of this section and has paid the required fees, then the [council] **division** shall recommend such applicant be registered as a registered commercial interior designer by the [council] **division**.

324.412. [1.] The division shall:

(1) Employ, within the limits of the appropriations for that purpose, such employees as are necessary to carry out the provisions of sections 324.400 to 324.439;

(2) Exercise all budgeting, purchasing, reporting and other related management functions[.

2. The council shall:

(1)] (3) Recommend prosecution for violations of sections 324.400 to 324.439 to the appropriate prosecuting or circuit attorney; **and**

[(2)] (4) Promulgate such rules and regulations as are necessary to administer the provisions of sections 324.400 to 324.439. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 324.400 to 324.439, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

324.415. Applications for registration as a registered commercial interior designer shall be typewritten on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous interior design certification, registration or licensing examinations, if any, and such other pertinent information as the [council] **division** may require, or architect's registration number and such other pertinent information as the [council] **division** may require. Each application shall contain a statement that is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the person signing the application. The person shall be subject to the penalties for making a false affidavit or declaration and shall be accompanied by the required fee.

324.421. The [council] **division** shall register without examination, any interior designer certified, licensed or registered in another state or territory of the United States or foreign country if the applicant has qualifications which are at least equivalent to the requirements for registration as a registered commercial interior designer in this state and such applicant pays the required fees.

324.424. 1. The [council] **division** shall set the amount of the fees authorized by sections 324.400 to 324.439 by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 324.400 to 324.439. All fees required pursuant to sections 324.400 to 324.439 shall be paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Interior Designer [Council] Fund", which is hereby created.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation to the [council] **division** for the preceding fiscal year. The amount, if any, in the fund which shall lapse is the amount in the fund which exceeds the appropriate multiple of the appropriations to the [council] **division** for the preceding fiscal year.

324.427. It is unlawful for any person to advertise or indicate to the public that the person is a registered commercial interior designer in this state, unless such person is registered as a registered commercial interior designer by the [council] **division** and is in good standing pursuant to sections 324.400 to 324.439.

324.430. No person may use the designation registered commercial interior designer in Missouri, unless the [council] **division** has issued a current certificate of registration certifying that the person has been duly registered as a registered commercial interior designer in Missouri and unless such registration has been renewed or reinstated as provided in section 324.418.

324.436. 1. The [council] **division** may refuse to issue any certificate required pursuant to sections 324.400 to 324.439, or renew or reinstate any such certificate, for any one or any combination of the reasons stated in subsection 2 of this section. The [council] **division** shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the person's right to file a complaint with the administrative hearing commission as provided in chapter 621, RSMo.

2. The [council] **division** may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of a certificate of registration required by sections 324.400 to 324.439 or any person who has failed to renew or has surrendered the person's certificate of registration for any one or combination of the following reasons:

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of the profession regulated by sections 324.400 to 324.439; for any offense for which an essential element is fraud, dishonesty or an act of violence; or for a felony, whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any examination given or required pursuant to sections 324.400 to 324.439;

(3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.400 to 324.439;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such sections;

(6) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use the person's certificate or diploma from any school;

- (7) Disciplinary action against the holder of a certificate of registration or other right to perform the profession regulated by sections 324.400 to 324.439 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;
- (9) Issuance of a certificate of registration based upon a material mistake of fact;
- (10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed, as it relates to the interior design profession.

3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 536, RSMo, and chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the [council] **division** shall censure or place the person named in the complaint on probation for a period not to exceed five years or may suspend the person's certificate for a period not to exceed three years or may revoke the person's certificate of registration."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kennedy, Schneider, Sims and Yeckel.

SA 1 was adopted by the following vote:

YEAS--Senators			
Bland	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Mathewson	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Caskey	Loudon	Rohrbach--3	
Absent--Senators			
Bentley	Klindt	Quick	Singleton--4
	Absent with leave--Senator DePasco-- 1		

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 1600, Page 1, Sections 324.1005, 324.1006, 324.1007, 324.1011, 324.1014, 324.1017, by striking all of said sections; and further amend title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 2** is out of order, as it is dilatory in nature.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 2 was again taken up.

Senator Cauthorn moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Coleman, Loudon and Gross.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Gibbons
Goode	Gross	Kenney	Loudon
Rohrbach	Russell	Schneider	Singleton
Steelman--13			
NAYS--Senators			
Bentley	Bland	Dougherty	Jacob
Johnson	Kennedy	Kinder	Mathewson
Quick	Sims	Stoll	Wiggins
Yeckel--13			
Absent--Senators			
Coleman	Foster	Klarich	Klindt
Staples	Westfall--6		
Absent with leave--Senators			
DePasco	House--2		

Senator Yeckel offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 1600, Page 7, Section 324.1017, Line 28 of said page, by inserting after all of said line the following:

"326.256. 1. As used in this chapter, the following terms mean:

- (1) "AICPA", the American Institute of Certified Public Accountants;
- (2) "Attest", providing the following financial statement services:
 - (a) Any audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS);
 - (b) Any examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE);
- (3) "Board", the Missouri state board of accountancy established pursuant to section 326.259 or its predecessor pursuant to prior law;
- (4) "Certificate", a certificate issued pursuant to section 326.060 prior to August 28, 2001;
- (5) "Certified public accountant" or "CPA", the holder of a certificate or license as defined in this section;
- (6) "Certified public accountant firm", "CPA firm" or "firm", a sole proprietorship, a corporation, a partnership or any other form of organization issued a permit pursuant to section 326.289;
- (7) "Client", a person or entity that agrees with a licensee or licensee's employer to receive any professional service;
- (8) "Compilation", providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) that is presented in the form of financial statements information that is the representation of management (owners) without undertaking to express any assurance on the statements;

- (9) "License", a license issued pursuant to section 326.280, or a provisional license issued pursuant to section 326.283; or, in each case, an individual license or permit issued pursuant to corresponding provisions of prior law;
- (10) "Licensee", the holder of a license as defined in this section;
- (11) "Manager", a manager of a limited liability company;
- (12) "Member", a member of a limited liability company;
- (13) "NASBA", the National Association of State Boards of Accountancy;
- (14) "Peer review", a study, appraisal or review of one or more aspects of the professional work of a licensee or certified public accountant firm that performs attest, review or compilation services, by licensees who are not affiliated either personally or through their certified public accountant firm being reviewed pursuant to the Standards for Performing and Reporting on Peer Reviews promulgated by the AICPA or such other standard adopted by regulation of the board which meets or exceeds the AICPA standards;
- (15) "Permit", a permit to practice as a certified public accountant firm issued pursuant to section 326.289 or corresponding provisions of prior law or pursuant to corresponding provisions of the laws of other states;
- (16) "Professional", arising out of or related to the specialized knowledge or skills associated with certified public accountants;
- (17) "Public [accountancy] **accounting**":
- (a) Performing or offering to perform for an enterprise, client or potential client one or more services involving the use of accounting or auditing skills, or one or more management advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters by a person, firm, limited liability company or professional corporation using the title "C.P.A." or "P.A." in signs, advertising, directory listing, business cards, letterheads or other public representations;
 - (b) Signing or affixing a name, with any wording indicating the person or entity has expert knowledge in accounting or auditing to any opinion or certificate attesting to the reliability of any representation or estimate in regard to any person or organization embracing financial information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, rules, grants, loans and appropriations; or
 - (c) Offering to the public or to prospective clients to perform, or actually performing on behalf of clients, professional services that involve or require an audit or examination of financial records leading to the expression of a written attestation or opinion concerning these records;
- (18) "Report", when used with reference to financial statements, means an opinion, report or other form of language that states or implies assurance as to the reliability of any financial statements, and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term report includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing such language, or both, and includes any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence, or both;
- (19) "Review", providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) that is performing inquiry and analytical procedures that provide the accountant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the

statements for them to be in conformity with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting;

(20) "State", any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam; except that "this state" means the state of Missouri;

(21) "Substantial equivalency", a determination by the board of accountancy or its designee that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination and experience requirements contained in this chapter or that an individual certified public accountant's education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements contained in this chapter;

(22) "Transmittal", any transmission of information in any form, including but not limited to any and all documents, records, minutes, computer files, disks or information.

2. The statements on standards specified in this section shall be adopted by reference by the board pursuant to rulemaking and shall be those developed for general application by the AICPA or other recognized national accountancy organization as prescribed by board rule.

326.271. 1. The board shall promulgate rules of procedure for governing the conduct of matters before the board.

2. The board shall promulgate rules of professional conduct for establishing and maintaining high standards of competence and integrity in the profession of public [accountancy] **accounting**.

3. In promulgating rules and regulations regarding the requirements of continuing education, the board:

(1) May use and rely upon guidelines and pronouncements of recognized educational and professional associations;

(2) May prescribe for content, duration and organization of courses;

(3) Shall consider applicant accessibility to continuing education as required by the board, and any impediments to the interstate practice of public [accountancy] **accounting** which may result from differences in requirements in states;

(4) May in its discretion relax or suspend continuing education requirements for instances of individual hardship;

(5) Shall not require the completion of more than one hundred twenty hours of continuing education or its equivalent in any three-year period, not more than one-third of which shall be required in any one year. The continuing education requirements must be capable of being fulfilled in programs or courses reasonably available to licensees within the state.

4. The board may require by rule licensees to submit any continuing education reporting as the board deems necessary.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This chapter and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

326.280. 1. A license shall be granted by the board to any person who meets the requirements of this chapter and who:

(1) Is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state;

(2) Has attained the age of twenty-one years;

(3) Is of good moral character;

(4) Either:

(a) Applied for the initial examination prior to June 30, 1999, and holds a baccalaureate degree conferred by an accredited college or university recognized by the board, with a concentration in accounting or the substantial equivalent of a concentration in accounting as determined by the board; or

(b) Applied for the initial examination on or after June 30, 1999, and has at least one hundred fifty semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university recognized by the board, with the total educational program including an accounting concentration or equivalent as determined by board rule to be appropriate;

(5) Has passed an examination in accounting, auditing and such other related subjects as the board shall determine is appropriate; and

(6) Has had one year of experience. Experience shall be verified by a licensee and shall include any type of service or advice involving the use of accounting, attest, review, compilation, management advisory, financial advisory, tax or consulting skills including governmental accounting, budgeting or auditing. The board shall promulgate rules and regulations concerning the verifying licensee's review of the applicant's experience.

2. The board [shall] **may** prescribe by rule the terms and conditions for reexaminations and fees to be paid for reexaminations.

3. A person who, on August 28, 2001, holds an individual permit issued pursuant to the laws of this state shall not be required to obtain additional licenses pursuant to sections 326.280 to 326.286, and the licenses issued shall be considered licenses issued pursuant to sections 326.280 to 326.286. However, such persons shall be subject to the provisions of section 326.286 for renewal of licenses.

4. Upon application, the board may issue a temporary license to an applicant pursuant to this subsection for a person who has made a prima facie showing that the applicant meets all of the requirements for a license and possesses the experience required. The temporary license shall be effective only until the board has had the opportunity to investigate the applicant's qualifications for licensure pursuant to subsection 1 of this section and notify the applicant that the applicant's application for a license has been granted or rejected. In no event shall a temporary license be in effect for more than twelve months after the date of issuance nor shall a temporary license be reissued to the same applicant. No fee shall be charged for a temporary license. The holder of a temporary license which has not expired, been suspended or revoked shall be deemed to be the holder of a license issued pursuant to this section until the temporary license expires, is terminated, suspended or revoked.

5. An applicant for an examination who meets the educational requirements of subdivision (4) of subsection 1 of this section or who reasonably expects to meet those requirements within sixty days after the examination shall be eligible for examination if the applicant also meets the requirements of subdivisions (1), (2) and (3) of subsection 1 of this section. For an applicant admitted to examination on the reasonable expectation that the applicant will meet the educational requirements within sixty days, no license shall be issued nor credit for the examination or any part thereof given unless the educational requirement is in fact met within the sixty-day period.

326.283. 1. (1) An individual whose principal place of business is not in this state and has a valid designation to practice public [accountancy] **accounting** from any state which the board has determined by rule to be in substantial equivalence with the licensure requirements of sections 326.250 to 326.331, or if the individual's qualifications are substantially equivalent to the licensure requirements of sections 326.250 to 326.331, shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the privileges of licensees of this state, provided the individual shall notify the board of his or her intent to engage in the practice of accounting with a client within this state whether in person, by electronic or technological means, or any other manner. The board by rule may require individuals to obtain a license.

(2) Any individual of another state exercising the privilege afforded pursuant to this section consents as a condition of the grant of this privilege to:

(a) The personal and subject matter jurisdiction and disciplinary authority of the board;

(b) Comply with this chapter and the board's rules; and

(c) The appointment of the state board which issued the individual's license as his or her agent upon whom process may be served in any action or proceeding by this board against the individual.

(3) Nothing in this section shall prohibit temporary practice in this state for professional business incidental to a CPA's regular practice outside this state. "Temporary practice" means that practice which is a continuation or extension of an engagement for a client located outside this state, which engagement began outside this state and extends into this state through common ownership, existence of a subsidiary, assets or other operations located within this state.

2. A licensee of this state offering or rendering services or using his or her certified public accountant title in another state shall be subject to disciplinary action in this state for an act committed in another state for which the licensee would be subject to discipline for an act committed in the other state. Notwithstanding the provisions of section 326.274 to the contrary, the board may investigate any complaint made by the board of accountancy of another state.

326.286. 1. The board may grant or renew licenses to persons who make application and demonstrate that[:

(1)] their qualifications, including the qualifications prescribed by section 326.280, are in accordance with this section[; or

(2) They are eligible under the substantial equivalency standard pursuant to subsection 1 of section 326.283].

2. Licenses shall be initially issued and renewed for periods of not more than three years and shall expire on the renewal date following issuance or renewal. Applications for licenses shall be made in such form, and in the case of applications for renewal, between such dates, as the board by rule shall specify. Application and renewal fees shall be determined by the board by rule.

3. With regard to applicants that do not qualify for reciprocity [under] **pursuant to subsection 1 of this section, or a provisional license through** the substantial equivalency standard set out in subsection 1 of section 326.283, the board may issue a license to an applicant upon a showing that:

(1) The applicant passed the examination required for issuance of the applicant's certificate with grades that would have been passing grades at the time in this state;

(2) The applicant had four years of experience outside of this state of the type described in subdivision (6) of subsection 1 of section 326.280 or meets equivalent requirements prescribed by the board by rule, after passing the examination upon which the applicant's license was based and within the ten years immediately preceding the application; and

(3) If the applicant's certificate, license or permit was issued more than four years prior to the application for issuance of a license pursuant to this section, the applicant has fulfilled the requirements of continuing professional education that would have been applicable pursuant to subsection 6 of this section.

4. As an alternative to the requirements of subsection 3 of this section, a certified public accountant licensed by another state who establishes a principal place of business in this state shall request the issuance of a license from the board prior to establishing the principal place of business. The board may issue a license to the person who obtains verification from the NASBA National Qualification Appraisal Service that the individual's qualifications are substantially equivalent to the licensure requirements of sections 326.250 to 326.331.

5. An application pursuant to this section may be made through the NASBA Qualification Appraisal Service.

6. For renewal of a license pursuant to this section, each licensee shall participate in a program of learning designed to maintain professional competency. The program of learning shall comply with rules adopted by the board. The board may create by rule an exception to such requirement for licensees who do not perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters. Licensees granted an exception by the board shall place the word "inactive" adjacent to their certified public accountant title on any business card, letterhead or any other document or device, except their certified public accountant certificate, on which their certified public accountant title appears.

7. Applicants for initial issuance or renewal of licenses pursuant to this section shall list all states in which they have applied for or hold certificates, licenses or permits and list any past denial, revocation or suspension or any discipline of a certificate, license or permit. Each holder of or applicant for a license shall notify the board in writing within thirty days after its occurrence of any issuance, denial, revocation or suspension or any discipline of a certificate, license or permit by another state.

8. The board may issue a license to a holder of a substantially equivalent foreign designation, provided that:

(1) The foreign authority which granted the designation makes similar provisions to allow a person who holds a valid license issued by this state to obtain such foreign authority's comparable designation; and

(2) The foreign designation:

(a) Was duly issued by a foreign authority that regulates the practice of public [accountancy] **accounting** and the foreign designation has not expired or been revoked or suspended;

(b) Entitles the holder to issue reports upon financial statements; and

(c) Was issued upon the basis of educational, examination and experience requirements established by the foreign authority or by law; and

(3) The applicant:

(a) Received the designation based on educational and examination standards substantially equivalent to those in effect in this state at the time the foreign designation was granted;

(b) Completed an experience requirement substantially equivalent to the requirement set out in subdivision (6) of subsection 1 of section 326.280 in the jurisdiction which granted the foreign designation or has completed four years of professional experience in this state, or meets equivalent requirements prescribed by the board by rule within the ten years immediately preceding the application; and

(c) Passed a uniform qualifying examination in national standards and an examination on the laws, regulations and code of ethical conduct in effect in this state acceptable to the board.

9. An applicant pursuant to subsection 8 of this section shall list all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public [accountancy] **accounting**. Each holder of a license issued pursuant to this subsection shall notify the board in writing within thirty days after its occurrence of any issuance, denial, revocation, suspension or any discipline of a designation or commencement of a disciplinary or enforcement action by any jurisdiction.

10. The board has the sole authority to interpret the application of the provisions of subsections 8 and 9 of this section.

[11. The board shall require by rule as a condition for renewal of a license by any licensee who performs review or

compilation services for the public other than through a certified public accountant firm that the individual undergo, no more frequently than once every three years, a peer review conducted in a manner as the board by rule shall specify, and the review shall include verification that the individual has met the competency requirements set out in professional standards for such services.]

326.289. 1. The board may grant or renew permits to practice as a certified public accounting firm to entities that make application and demonstrate their qualifications in accordance with this section or to certified public accounting firms originally licensed in another state that establish an office in this state. A firm shall hold a permit issued pursuant to this section to provide attest, review or compilation services or to use the title certified public accountant or certified public accounting firm.

2. Permits shall be initially issued and renewed for periods of not more than three years or for a specific period as prescribed by board rule following issuance or renewal.

3. The board shall determine by rule the form for application and renewal of permits and shall annually determine the fees for permits and their renewals.

4. An applicant for initial issuance or renewal of a permit to practice pursuant to this section shall be required to show that:

(1) Notwithstanding any other provision of law to the contrary, a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, principals, shareholders, members or managers, belongs to licensees who are licensed in some state, and the partners, officers, principals, shareholders, members or managers, whose principal place of business is in this state and who perform professional services in this state are licensees pursuant to section 326.280 or the corresponding provision of prior law. Although firms may include nonlicensee owners, the firm and its ownership shall comply with rules promulgated by the board;

(2) Any certified public accounting firm may include owners who are not licensees, provided that:

(a) The firm designates a licensee of this state who is responsible for the proper registration of the firm and identifies that individual to the board;

(b) All nonlicensee owners are active individual participants in the certified public accounting firm or affiliated entities;

(c) The firm complies with other requirements as the board may impose by rule;

(3) Any licensee, **initially licensed on or after August 28, 2001**, who is responsible for supervising attest[, review or compilation] services, or signs or authorizes someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet competency requirements as determined by the board by rule which shall include one year of experience in addition to the experience required pursuant to subdivision (6) of subsection 1 of section 326.280 and shall be verified by a licensee. The additional experience required by this subsection shall include experience in attest work supervised by a licensee;

(4) Any licensee who is responsible for supervising review services or signs or authorizes someone to sign review reports shall meet the competency requirements as determined by board by rule which shall include experience in review services.

5. An applicant for initial issuance or renewal of a permit to practice shall register each office of the firm within this state with the board and show that all attest, review and compilation services rendered in this state are under the charge of a licensee.

6. No licensee or firm holding a permit pursuant to this chapter shall use a professional or firm name or designation that is misleading as to:

- (1) The legal form of the firm;
- (2) The persons who are partners, officers, members, managers or shareholders of the firm; or
- (3) Any other matter.

The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. A firm may use a fictitious name if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm shall not include the name **or initials** of an individual who is **not** a present or a past partner, member or shareholder of the firm or its predecessor. The name of the firm shall not include the name of an individual who is not a licensee.

7. Applicants for initial issuance or renewal of permits shall list in their application all states in which they have applied for or hold permits as certified public accounting firms and list any past denial, revocation, suspension or any discipline of a permit by any other state. Each holder of or applicant for a permit pursuant to this section shall notify the board in writing within thirty days after its occurrence of any change in the identities of partners, principals, officers, shareholders, members or managers whose principal place of business is in this state; any change in the number or location of offices within this state; any change in the identity of the persons in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of a permit by any other state.

8. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel after receiving or renewing a permit shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the board may result in the suspension or revocation of the firm permit.

9. The board shall require by rule, as a condition to the renewal of permits, that firms undergo, no more frequently than once every three years, peer reviews conducted in a manner as the board shall specify. The review shall include a verification that individuals in the firm who are responsible for supervising attest, review and compilation services or sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the competency requirements set out in the professional standards for such services, provided that any such rule:

- (1) Shall include reasonable provision for compliance by a firm showing that it has within the preceding three years undergone a peer review that is a satisfactory equivalent to peer review generally required pursuant to this subsection;
- (2) May require, with respect to peer reviews, that peer reviews be subject to oversight by an oversight body established or sanctioned by board rule, which shall periodically report to the board on the effectiveness of the review program under its charge and provide to the board a listing of firms that have participated in a peer review program that is satisfactory to the board; and
- (3) Shall require, with respect to peer reviews, that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that the board or any third party other than the oversight body shall not have access to documents furnished or generated in the course of the peer review of the firm except as provided in subdivision (2) of this subsection.

10. Prior to January 1, 2008, licensees who perform fewer than three attest services during each calendar year shall be exempt from the requirements of subsection 9 of this section.

11. The board may, by rule, charge a fee for oversight of peer reviews, provided that the fee charged shall be substantially equivalent to the cost of oversight.

12. In connection with proceedings before the board or upon receipt of a complaint involving the licensee performing peer reviews, the board shall not have access to any documents furnished or generated in the course of the performance of the peer reviews except for peer review reports, letters of comment and summary review memoranda.

The documents shall be furnished to the board only in a redacted manner that does not specifically identify any firm or licensee being peer reviewed or any of their clients.

13. The peer review processes shall be operated and the documents generated thereby be maintained in a manner designed to preserve their confidentiality. No third party, other than the oversight body, the board, subject to the provisions of subsection 12 of this section, or the organization performing peer review shall have access to documents furnished or generated in the course of the review. All documents shall be privileged and closed records for all purposes and all meetings at which the documents are discussed shall be considered closed meetings pursuant to subdivision (1) of section 610.021, RSMo. The proceedings, records and workpapers of the board and any peer review subjected to the board process shall be privileged and shall not be subject to discovery, subpoena or other means of legal process or introduction into evidence at any civil action, arbitration, administrative proceeding or board proceeding. No member of the board or person who is involved in the peer review process shall be permitted or required to testify in any civil action, arbitration, administrative proceeding or board proceeding as to any matters produced, presented, disclosed or discussed during or in connection with the peer review process or as to any findings, recommendations, evaluations, opinions or other actions of such committees or any of its members; provided, however, that information, documents or records that are publicly available shall not be subject to discovery or use in any civil action, arbitration, administrative proceeding or board proceeding merely because they were presented or considered in connection with the peer review process.

326.292. 1. Only licensees may issue a report on financial statements of any person, firm, organization or governmental unit or offer to render or render any attest service. Such restriction shall not prohibit any act of a public official or public employee in the performance of the person's duties as such; nor prohibit the performance by any nonlicensee of other services involving the use of accounting skills, including the preparation of tax returns, management advisory services and the preparation of nonattest financial statements. Nonlicensees may prepare financial statements and issue nonattest transmittals or information thereon which do not purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS).

2. Only certified public accountants shall use or assume the title certified public accountant, or the abbreviation CPA or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a certified public accountant. Nothing in this section shall prohibit:

(1) A certified public accountant whose certificate was in full force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who does not engage in the practice of public accounting, auditing, bookkeeping or any similar occupation, from using the title certified public accountant or abbreviation CPA;

(2) A person who holds a certificate, then in force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who is regularly employed by or is a director or officer of a corporation, partnership, association or business trust, in his or her capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon relating to such corporation, partnership, association or business trust provided the capacity is so designated, and provided in the signature line the title CPA or certified public accountant is not designated.

3. No firm shall provide attest services or assume or use the title certified public accountants or the abbreviation CPAs, or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such firm is a certified public accounting firm unless:

(1) The firm holds a valid permit issued pursuant to section 326.289; and

(2) Ownership of the firm is in accord with section 326.289 and rules promulgated by the board.

4. Only persons holding a valid license or permit issued pursuant to section 326.280 or 326.289 shall assume or use the title certified accountant, chartered accountant, enrolled accountant, licensed accountant, registered accountant, accredited accountant or any other title or designation likely to be confused with the titles certified public accountant or public accountant, or use any of the abbreviations CA, LA, RA, AA or similar abbreviation likely to be confused with the abbreviation CPA or PA. The title enrolled agent or EA shall only be used by individuals so designated by the

Internal Revenue Service. Nothing in this section shall prohibit the use or issuance of a title for nonattest services provided that the organization and the title issued by the organization existed prior to August 28, 2001.

5. (1) Nonlicensees shall not use language in any statement relating to the financial affairs of a person or entity that is conventionally used by certified public accountants in reports on financial statements. Nonlicensees may use the following safe harbor language:

(a) For compilations:

"I (We) have prepared the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing in the form of a financial statement information that is the representation of management (owners). I (We) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.";

(b) For reviews:

"I (We) reviewed the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. These financial statements (information) are (is) the responsibility of the company's management. I (We) have not audited the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.".

(2) Only persons or firms holding a valid license or permit issued pursuant to section 326.280 or 326.289 shall assume or use any title or designation that includes the words accountant or accounting in connection with any other language, including the language of a report, that implies that the person or firm holds a license or permit or has special competence as an accountant or auditor; provided, however, that this subsection shall not prohibit any officer, partner, principal, member, manager or employee of any firm or organization from affixing such person's own signature to any statement in reference to the financial affairs of the firm or organization with any wording designating the position, title or office that the person holds therein nor prohibit any act of a public official or employee in the performance of the person's duties as such. Nothing in this subsection shall prohibit the singular use of "accountant" or "accounting" for nonattest purposes.

6. Licensees **signing or authorizing someone to sign reports on financial statements when** performing attest, review or compilation services shall provide those services in accordance with professional standards as determined by the board by rule.

7. No licensee or holder of a provisional license or firm holding a permit pursuant to sections 326.280 to 326.289 shall use a professional or firm name or designation that is misleading about the legal form of the firm, or about the persons who are partners, principals, officers, members, managers or shareholders of the firm, or about any other matter.

8. None of the foregoing provisions of this section shall apply to a person or firm holding a certification, designation, degree or license granted in a foreign country entitling the holder to engage in the practice of public [accountancy] **accounting** or its equivalent in the country whose activities in this state are limited to the provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds the entitlement, who performs no attest, review or compilation services and who issues no reports with respect to the financial statements of any other persons, firms or governmental units in this state, and who does not use in this state any title or designation other than the one under which the person practices in such country, followed by a translation of such title or designation into the English language, if it is in a different language, and by the name of such country.

9. No licensee whose license is issued pursuant to section 326.280 or issued pursuant to prior law shall perform attest services through any certified public accounting firm that does not hold a valid permit issued pursuant to section 326.289.

10. [No individual licensee shall issue a report in standard form upon a compilation or review of financial information through any form of business that does not hold a valid permit issued pursuant to section 326.289 unless the report

discloses the name of the business through which the individual is issuing the report, and the individual:

- (1) Signs the compilation or review report identifying the individual as a licensee;
- (2) Meets the competency requirement provided in applicable standards; and
- (3) Undergoes, no less frequently than once every three years, a peer review conducted in a manner as the board by rule shall specify, and the review shall include verification that the individual has met the competency requirements set out in professional standards for such services.

11.] Nothing herein shall prohibit a practicing attorney or firm of attorneys from preparing or presenting records or documents customarily prepared by an attorney or firm of attorneys in connection with the attorney's professional work in the practice of law.

[12.] 11. Nothing herein shall prohibit any trustee, executor, administrator, referee or commissioner from signing and certifying financial reports incident to his or her duties in that capacity.

[13.] 12. Nothing herein shall prohibit any director or officer of a corporation, partner or a partnership, sole proprietor of a business enterprise, member of a joint venture, member of a committee appointed by stockholders, creditors or courts, or an employee of any of the foregoing, in his or her capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon, relating to the corporation, partnership, business enterprise, joint venture or committee, provided the capacity is designated on the statement or report.

[14.] 13. (1) A licensee shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the licensee also performs for that client:

- (a) An audit or review of a financial statement; or
- (b) A compilation of a financial statement when the licensee expects, or reasonably may expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or
- (c) An examination of prospective financial information.

Such prohibition applies during the period in which the licensee is engaged to perform any of the services listed above and the period covered by any historical financial statements involved in such listed services.

(2) A licensee who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose in writing that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

(3) Any licensee who accepts a referral fee for recommending or referring any service of a licensee to any person or entity or who pays a referral fee to obtain a client shall disclose in writing the acceptance or payment to the client.

[15.] 14. (1) A licensee shall not:

(a) Perform for a contingent fee any professional services for, or receive a fee from, a client for whom the licensee or the licensees's firm performs:

- a. An audit or review of a financial statement; or
- b. A compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or
- c. An examination of prospective financial information; [or]

(b) Prepare an original [or amended] tax return or claim for a tax refund for a contingent fee for any client; or

(c) Prepare an amended tax return or claim for a tax refund for a contingent fee for any client, unless permitted by board rule.

(2) The prohibition in subdivision (1) of this subsection applies during the period in which the licensee is engaged to perform any of those services and the period covered by any historical financial statements involved in any services.

(3) A contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service. Solely for purposes of this section, fees are not regarded as being contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. A licensee's fees may vary depending, for example, on the complexity of services rendered.

[16.] **15.** Any person who violates any provision of subsections 1 to 5 of this section shall be guilty of a class A misdemeanor. Whenever the board has reason to believe that any person has violated this section it may certify the facts to the attorney general of this state or bring other appropriate proceedings."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted.

At the request of Senator Mathewson, **HB 1600**, with **SS** and **SA 3** (pending), was placed on the Informal Calendar.

HB 2008, with **SCS**, introduced by Representative O'Connor, entitled:

An Act to repeal section 301.550, RSMo, and to enact in lieu thereof one new section relating to powersport dealers.

Was taken up by Senator Kenney.

SCS for **HB 2008**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2008

An Act to repeal sections 301.550, 301.610, 301.620, 301.640, 301.660, 301.661, 306.405, 306.410, 306.420, 306.430, 306.440, 454.516, 700.355, 700.360, 700.370, 700.380 and 700.390, RSMo, and to enact in lieu thereof fifteen new sections relating to motor vehicle dealers, with penalty provisions.

Was taken up.

Senator Kenney moved that **SCS** for **HB 2008** be adopted.

Senator Kenney offered **SS** for **SCS** for **HB 2008**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2008

An Act to repeal sections 301.550, 301.560, 301.600, 301.610, 301.620, 301.630, 301.640, 301.660, 301.661, 306.400, 306.405, 306.410, 306.420, 306.430, 306.440, 365.070, 365.120, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893, 454.516, 700.350, 700.355, 700.360, 700.365, 700.370, 700.380 and 700.390,

RSMo, and to enact in lieu thereof twenty-seven new sections relating to motor vehicle dealers, with penalty provisions.

Senator Kenney moved that **SS** for **SCS** for **HB 2008** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2008, Page 44, Section 407.870, Line 8, by inserting after all of said line the following:

"430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.

"[430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries caused by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.]; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2008, Page 1, Section A, Line 11, by inserting after all of said line the following:

"301.144. 1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers, not to exceed six characters in length. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Any person desiring to obtain a special personalized license plate for any motor vehicle other than a commercial motor vehicle licensed for more than twelve thousand pounds shall apply to the director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No two owners shall be issued identical plates. An owner shall make a new application and pay a new fee each year such owner desires to obtain or retain special personalized license plates; however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the director shall allow the special personalized license plates to be replaced with new plates every three years without any additional charge, above the fee established in this section, to the renewal applicant. Any person currently in possession of an approved personalized license plate shall have first priority on that particular plate for each of the following years that timely and appropriate application is made.

2. No personalized license plates shall be issued containing any letters, numbers or combination of letters and numbers which are obscene, profane, [inflammatory or contrary to public policy] **patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found.** The director may recall any personalized license plates, including those issued prior to August 28, 1992, if the director determines that the plates are obscene, profane, [inflammatory or contrary to public policy] **patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found.** Where the director recalls such plates pursuant to the provisions of this subsection, the director shall reissue personalized license plates to the owner of the motor vehicle for which they were issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the standards established pursuant to this section. **The director shall not apply the provisions of this statute in a way that violates the Missouri or United States constitutions as interpreted by the courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle licence plates is to identify motor vehicles. Nothing in the issuance of a personalized license plate creates a designated or limited public forum.** Nothing contained in this subsection shall be interpreted to prohibit the use of license plates, which are no longer valid for registration purposes, as collector's items or for decorative purposes.

3. The director may also establish categories of special license plates from which license plates may be issued. Any such person, other than a person exempted from the additional fee pursuant to subsection 6 of this section, that desires a personalized special license plate from any such category shall pay the same additional fee and make the same kind of application as that required by subsection 1 of this section, and the director shall issue such plates in the same manner as other personalized special license plates are issued.

4. The director of revenue shall issue to residents of the state of Missouri who hold an unrevoked and unexpired official amateur radio license issued by the Federal Communications Commission, upon application and upon payment of the additional fee specified in subsection 1 of this section, except for a person exempted from the additional fee pursuant to subsection 6 of this section, personalized special license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission to the applicant. The application shall be accompanied by an affidavit stating that the applicant has an unrevoked and unexpired amateur radio license issued by the Federal Communications Commission and the official radio call letters assigned by the Federal Communications Commission

to the applicant.

5. Notwithstanding any other provision to the contrary, any business that repossesses motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard displaying the word "Repossessed", provided such business pays the fees presently required of a manufacturer, distributor, or dealer in subsection 1 of section 301.253. Such placard shall bear a number and shall be in such form as the director of revenue shall determine, and shall be only used for demonstrations when displayed substantially as provided for number plates on the rear of the motor vehicle or trailer.

6. Notwithstanding any provision of law to the contrary, any person who has retired from any branch of the United States armed forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision of any such services shall be exempt from the additional fee required for personalized license plates issued pursuant to section 301.441. As used in this subsection, "retired" means having served twenty or more years in the appropriate branch of service and having received an honorable discharge."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2008, Page 57, Section 700.380, Line 5, by adding at the end thereof:

"2. Exported automobiles dated prior to 1960 shall not be subject to the titling provisions of this act, if exported from a country subject to federal law date 1912 or 1961.".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 3** was withdrawn.

Senator Kenney moved that **SS** for **SCS** for **HB 2008**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **HB 2008**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins--27	
NAYS--Senator Rohrbach--1			
Absent--Senators			
Gibbons	Jacob	Staples	Yeckel--4
Absent with leave--Senators			
DePasco	House--2		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Gross moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1532**, with **SCS**, entitled:

An Act to repeal section 537.053, RSMo, and to enact in lieu thereof one new section relating to consumption of intoxicating beverage as proximate cause of injury in tort actions.

Was taken up by Senator Gross.

SCS for **HS** for **HCS** for **HB 1532**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1532

An Act to repeal section 537.053, RSMo, relating to dram shop liability, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Gross moved that **SCS** for **HS** for **HCS** for **HB 1532** be adopted.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1532, Page 2, Section 537.053, Line 21, by striking the word "knowingly served" and substitute "knew or should have known that" and insert after "intoxicating liquor" the words "was served".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Schneider, **SA 1** was withdrawn.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1532, Page 2, Section 537.053, Line 25, by striking the words: "knowingly served intoxicating liquor".

Senator Schneider moved that the above amendment be adopted, which motion failed.

Senator Gross moved that **SCS** for **HS** for **HCS** for **HB 1532** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Gross, **SCS** for **HS** for **HCS** for **HB 1532** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senator Schneider--1

Absent--Senators

Coleman	Jacob	Russell	Staples--4
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Absent with leave--Senators

DePasco House--2

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1348, with **SCS**, introduced by Representative Myers, et al, entitled:

An Act to repeal section 263.531, RSMo, and to enact in lieu thereof one new section relating to boll weevil eradication.

Was taken up by Senator Foster.

SCS for **HB 1348**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1348

An Act to repeal sections 142.028, 261.110, 261.230, 261.235, 261.239, 263.531, 348.430, 348.432, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893 and 414.032, RSMo, relating to agriculture, and to enact in lieu thereof sixteen new sections relating to the same subject.

Was taken up.

Senator Foster moved that **SCS** for **HB 1348** be adopted.

Senator Foster offered **SS** for **SCS** for **HB 1348**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1348

An Act to repeal sections 142.028, 254.020, 254.040, 261.110, 261.230, 261.235, 261.239, 263.531, 270.170, 275.464, 311.554, 348.430, 348.432, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893 and 414.032, RSMo, relating to agriculture, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions and a severability clause.

Senator Foster moved that **SS** for **SCS** for **HB 1348** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1348, Page 32, Section 414.043, Line 7, by inserting immediately after said line the following:

"701.381. The provisions of sections 701.350 to 701.380, RSMo, shall not apply to any device that is inaccessible to the public, not used to transport passengers and was built before January 1, 1940."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1348, Page 32, Section 1, Line 16 of said page, by inserting after the word "fund" the following:

"or the county stock insurance fund".

Senator Cauthorn moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1348, Page 22, Section 348.430, Line 17-18, by striking the following: "or estimated quarterly tax"; and

Further amend said bill, Page 26, Section 348.432, Line 11, by striking the following: "or estimated quarterly tax"; and further amend lines 18-19, by striking the following: "or estimated quarterly tax"; and further amend lines 23-26, by striking "tax credits" on line 23 and striking all of lines 24-26.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Gross assumed the Chair.

Senator Goode raised the point of order that **SS** and **SCS** are out of order, as they both exceed the scope and purpose of the original **HB 1348**.

The point of order was referred to the President Pro Tem, who took the point of order under advisement, which placed **HB 1348**, with **SCS**, **SS** for **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending) on the Informal Calendar.

HB 1270, introduced by Representative Gratz, and **HB 2032**, introduced by Representative Hosmer, with **SCS**, entitled

respectively:

An Act to repeal section 304.200, RSMo, and to enact in lieu thereof one new section relating to motor vehicles.

An Act to repeal section 302.321, RSMo, and to enact in lieu thereof one new section relating to driving while revoked.

Were called from the Informal Calendar and taken up by Senator Westfall.

SCS for **HB 1270** and **HB 2032**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1270 AND

HOUSE BILL NO. 2032

An Act to repeal sections 61.021, 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.321, 304.001, 304.022, 304.027, 304.200, 304.351, 575.010 and 575.150, RSMo, relating to motor vehicles, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **HB 1270** and **HB 2032** be adopted.

Senator Westfall offered **SS** for **SCS** for **HB 1270** and **HB 2032**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1270

AND

HOUSE BILL NO. 2032

An Act to repeal sections 61.021, 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.137, 302.321, 302.720, 304.001, 304.022, 304.027, 304.200, 575.010 and 575.150, RSMo, relating to motor vehicles, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Westfall moved that **SS** for **SCS** for **HB 1270** and **HB 2032** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 37, Section 575.150, Line 19, by inserting immediately after "felony" the following: ". **Resisting an arrest by fleeing in such a manner that the person fleeing creates a substantial risk of serious physical injury or death to any person is a class D felony**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2:SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 17, Section 302.321, Line 4 of said page, by inserting after the word "writing" the following: "**, and where the prior three driving while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses;**"; and further amend line 9 of said page, by inserting after the word "writing" the following: "**, and where the prior two driving while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 31, Section 304.200, Line 18, by inserting after all of said line the following:

"304.282. 1. Wherever used in this section the following terms mean:

(1) "Automated traffic control enforcement system", a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of a red signal indication;

(2) "Owner", the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Ten cities designated by the director of the department of public safety with reference to any intersection involving highways, roads or streets under its jurisdiction, except a state highway as defined in section 304.001, may adopt an ordinance authorizing the use of an automated traffic control signal enforcement system to detect motor vehicles entering an intersection in violation of a red signal indication authorized pursuant to section 304.281. The ordinance adopted by the city shall limit the use of an automated traffic control signal enforcement system to no more than three intersections within the city's jurisdictional limits.

3. Any city adopting an ordinance to establish an automated traffic control enforcement system may also enter into an agreement with the state highways and transportation commission regarding the installation and use of an automated traffic control enforcement system on a state highway within the boundaries of such city.

4. Photos obtained from an automated traffic control signal enforcement system along with proof of identity of the owner in whose name such motor vehicle is registered shall raise a rebuttable presumption that such owner was the person who committed the violation. Any owner issued a summons is responsible and liable for payment of a fine and court costs, unless the owner can furnish evidence that the motor vehicle was in the care, custody or control of another person at the time of the violation. In such instance the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the alleged violation, subject to the penalties for perjury. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle at the time of violation. In such case, the court shall have the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator of the motor vehicle at the time of the violation. If the motor vehicle is alleged to have been stolen, the owner of the motor vehicle shall submit proof that a police report was filed indicating that the motor vehicle was stolen at the time of the alleged violation.

5. A summons issued pursuant to this section shall be sent by certified mail to the most recent address of the owner of the motor vehicle within twenty-one days of the violation. The cost of issuing the certified letter may be charged in addition to the fine imposed pursuant to subsection 10 of this section. The summons shall include the date, time and location of the violation, a photo of the motor vehicle's license plate, and a photo of the actual violation as detected by the automated traffic control signal enforcement system. The summons must also include instructions on how to dispose of the violation through court appearance or payment of the fine and costs.

6. Any city that establishes a traffic control signal enforcement pursuant to the provisions of this section shall make a public announcement of any automated traffic control signal enforcement system at least thirty days prior to its official use.

7. Signs indicating the system's presence shall be visible to traffic approaching from all directions at any location which is equipped with an automated traffic control signal enforcement system.

8. Any city that establishes an automated traffic control enforcement system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control enforcement systems. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. The city may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding the owner in order to prepare and mail summonses on behalf of the city.

9. Photographic records made by a traffic control signal enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

10. No points shall be assessed, as described in section 302.302, RSMo, and no fine, including court costs, shall exceed fifty dollars for a violation obtained through the use of an automated traffic control enforcement system.

11. One year following the adoption of an ordinance by any city described in subsection 2 of this section, the department of transportation shall issue a report as to the effectiveness of the use of automated traffic control signal enforcement systems. The report shall include, but not be limited to, recommendations of whether such a system shall be instituted on a statewide basis. The report shall be delivered to the individual members of the general assembly.

12. The provisions of this section shall expire on August 28, 2007."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Klarich offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 4, Section 37.452, Line 4, by inserting after all of said line the following:

"71.203. 1. No city not within a county or board or commission located in the city shall require any person applying for or holding a position of peace officer, as defined in section 590.010, RSMo, to reside within the city as a condition of employment.

2. No city not within a county or board or commission located in the city shall discriminate in any manner against any person applying for or holding a position of peace officer because of such person's residency outside of the city's boundaries, except that the city may provide incentives, such as housing supplements or vehicle use guidelines, to encourage peace officers to locate within the city.

3. Any city not with a county or board or commission located in the city may require a peace officer to live within the state of Missouri.

4. This section shall apply only to any city not within a county or any board or commission located in the city.";
and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Foster offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 19, Section 302.720, Line 7 of said page, by striking the word "director" and inserting in lieu thereof the following: **"superintendent"**; and further amend said section, line 8, of said page, by striking the words "five-dollar" and inserting in lieu thereof the following: **"twenty-five dollar"**; and

Further amend said section, page 20, line 9, of said page, by striking "five-dollar" and inserting in lieu thereof the following: **"twenty-five dollar"**; and further amend said line by striking the words "for each test taken" and inserting in lieu thereof **"upon completion of such tests"**; and further amend said page, line 10, by striking the following: "The director may waive the driving test for a commercial"; and further amend said page, lines 11-29, by striking all of said lines; and

Further amend said bill and section, page 21, lines 1-13, of said page, by striking all of said lines; and further amend line 14 of said page, by striking the following: "6."; and

Further amend said bill and section, page 21, line 22, of said page, by inserting immediately after said line the following:

"302.721. 1. There is hereby created in the state treasury the "Commercial Driver License Examination Fund". The fund shall be administered by the department of revenue. Such moneys collected pursuant to subdivisions (1) and (3) of subsection 2 of section 302.720, shall be appropriated to the commercial driver license examination fund after the deposit and distribution pursuant to subsection 2 of section 30(b) of article IV of the Missouri Constitution. Such moneys shall not be counted towards the spending limitations imposed pursuant to subsection 3 of section 226.200, RSMo. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

2. There shall be created a "Third-Party Commercial Driver License Examination Program" within the department of revenue. The purpose of this program is to certify third-party commercial driver license examination programs and administer compliance requirements of third-party commercial driver license examination programs in the state of Missouri.

3. The director of revenue may annually expend revenues from the commercial driver license fund for administrative costs associated with initial certification and subsequent renewal certification requirements associated with third-party commercial driver license examination programs and determining compliance of all regulations which are required to be adhered to by third-party commercial driver license examination programs in the state of Missouri. Such annual expenditures shall also include any expenses incurred by the

superintendent of the highway patrol for functions related to the testing, auditing, retesting and compliance of commercial driver license third-party examination programs and the administration of the state CDL testing program.

(1) The director of revenue shall promulgate rules and regulations necessary to administer the certification and compliance programs established pursuant to this section. Any rule promulgated regarding commercial driver license third-party examination certification or compliance shall be promulgated in coordination with the superintendent of the highway patrol.

(2) Any rule promulgated by the director of revenue and the superintendent of the highway patrol regarding compliance requirements for third-party commercial driver license examination programs shall require the superintendent to reexamine a minimum of ten percent of those drivers who have passed the CDL skills examination administered by a certified third-party commercial driver license examination program in the state of Missouri.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Westfall moved that **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, be adopted, which motion prevailed.

Senator Westfall moved that **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, be read the 3rd time and finally passed and was recognized to close.

At the request of Senator Westfall, **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 810**, entitled:

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.135, 660.136, and 660.285, RSMo, and to enact in lieu thereof ten new sections relating to supplemental assistance payments for the elderly and disabled.

With House Amendments Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, by inserting in the appropriate location the following:

"660.099. 1. The general assembly may appropriate funds in addition to the amount currently being provided per annum for nutrition services for the elderly. Funds so designated to provide nutrition services for the elderly shall be

allocated to the Missouri division of aging [to be placed on the formula basis] and distributed to each area agency on aging throughout the state of Missouri **based on the actual number of meals served in each area during the previous fiscal year.**

2. The general assembly may appropriate funds in addition to the amount currently being provided per annum through the Missouri elderly and handicapped transportation program. Funds so designated to provide transportation for the elderly and developmentally disabled shall be allocated to the Missouri division of aging to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri.

3. The general assembly may appropriate funds in addition to the amount currently being provided per annum for home-delivered meals for the elderly. Such additional funds shall be allocated to the Missouri division of aging [to be placed on the formula basis] and distributed to each area agency on aging throughout the state of Missouri **based on the actual number of meals served in each area during the previous fiscal year.**"; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, Page 4, Section 660.115.1, Line 18, by deleting the period at the end of Line 18 and adding the following:

" ; provided that the respective shares of overall funding previously received by primary and secondary heating and cooling source suppliers on behalf of their customers shall be substantially maintained."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810 by inserting in the appropriate location the following:

"470.270. After the owner, his **or her** assignee, personal representative, grantee, heirs, devisees or other successors, entitled to any moneys, refund of rates or premiums or effects by reason of any litigation concerning rates, refunds, refund of premiums, fares or charges collected by any person or corporation in the state of Missouri for any service rendered or to be rendered in said state, or for any contract of insurance on property in this state, or under any contract of insurance performed or to be performed in said state, which moneys, refund of rates or premiums or effects have been paid into or deposited in connection with any cause in any court of the state of Missouri or in connection with any cause in any United States court, or so paid into the custody of any depository, clerk, custodian, or other officer of such court, whether the same be afterwards transferred and deposited in the United States treasury or not, shall be and remain unknown, or the whereabouts of such person or persons shall be and has been unknown, for the period heretofore, or hereafter, of five successive years, or such moneys, refund of rates or premiums or effects remain unclaimed for the period heretofore, or hereafter, of five successive years, from the time such moneys or property are ordered repaid or distributed by such courts, such moneys or property shall be escheatable to the state of Missouri, and may be escheated to the state of Missouri in the manner herein provided, with all interest and earnings actually accrued thereon to the date of the judgment and decree for the escheat of the same; **except that all refunds of rates generated by the refund of natural gas or electric rates shall be transferred to the utilicare stabilization fund created pursuant to section 660.136, RSMo, with the exception of lawsuits in which the state of Missouri is a party, if the moneys that result from a refund of rates remains unclaimed after five years from the date when such rates are ordered repaid, with all interest from such refunded rates that is earned from the date such rates are ordered repaid to escheat to the state as otherwise provided in sections 470.270 to 470.350.** The provisions of this section notwithstanding, this state may elect to take custody of such unclaimed property by instituting a proceeding pursuant to section 447.575, RSMo."; and

Further amend said bill, section 660.136, page 7, line 17 by inserting after the word "**fund.**" on said line the following:

"Except as provided in subsection 3,"; and

Further amend said bill, section 660.136, page 8, line 18 by inserting after all of said line the following:

"3. When the utilicare stabilization fund receives a transfer pursuant to section 470.270, RSMo, the moneys from that transfer shall be held in the fund for one full year after the date of transfer and shall be used to pay for heating or cooling assistance as provided in sections 660.100 to 660.136. Any moneys remaining at the end of that year shall be deposited in the state treasury to the credit of the general revenue fund of the state."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, by inserting in the appropriate location the following:

"8.231. 1. For purposes of this section, the following terms shall mean:

(1) "Energy cost savings measure", a training program or facility alteration designed to reduce energy consumption or operating costs, and may include one or more of the following:

(a) Insulation of the building structure or systems within the building;

(b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing reductions in glass area, or other window and door system modifications that reduce energy consumption;

(c) Automated or computerized energy control system;

(d) Heating, ventilating or air conditioning system modifications or replacements;

(e) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made;

(f) Indoor air quality improvements to increase air quality that conforms to the applicable state or local building code requirements;

(g) Energy recovery systems;

(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(i) Any life safety measures **related to compliance with the Americans With Disabilities Act, 42 U.S.C. Section 12101, et seq.**, that provide long-term operating cost reductions and are in compliance with state and local codes; or

(j) Building operation programs that reduce the operating costs;

(2) "Governmental unit", a state government agency, department, institution, college, university, technical school, legislative body or other establishment or official of the executive, judicial or legislative branches of this state authorized by law to enter into contracts, including all local political subdivisions such as counties, municipalities, public school districts or public service or special purpose districts;

(3) "Guaranteed energy cost savings contract", a contract for the implementation of one or more such measures. The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time and the energy cost savings are guaranteed to the extent necessary to make payments for the systems. Guaranteed energy cost savings contracts shall be considered public works contracts to the extent that they provide for capital improvements to existing facilities;

(4) "Operational savings", expenses eliminated and future replacement expenditures avoided as a result of new

equipment installed or services performed;

(5) "Qualified provider", a person or business experienced in the design, implementation and installation of energy cost savings measures;

(6) "Request for proposals" or "RFP", a negotiated procurement.

2. No governmental unit shall enter into a guaranteed energy cost savings contract until competitive proposals therefor have been solicited by the means most likely to reach those contractors interested in offering the required services, including but not limited to direct mail solicitation, electronic mail and public announcement on bulletin boards, physical or electronic. The request for proposal shall include the following:

(1) The name and address of the governmental unit;

(2) The name, address, title and phone number of a contact person;

(3) The date, time and place where proposals shall be received;

(4) The evaluation criteria for assessing the proposals; and

(5) Any other stipulations and clarifications the governmental unit may require.

3. The governmental unit shall award a contract to the qualified provider that provides the lowest and best proposal which meets the needs of the unit if it finds that the amount it would spend on the energy cost savings measures recommended in the proposal would not exceed the amount of energy or operational savings, or both, within a ten-year period from the date installation is complete, if the recommendations in the proposal are followed.

The governmental unit shall have the right to reject any and all bids.

4. The guaranteed energy cost savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed the costs of the energy cost savings measures, adjusted for inflation, within ten years. The qualified provider shall reimburse the governmental unit for any shortfall of guaranteed energy cost savings on an annual basis. The guaranteed energy cost savings contract may provide for payments over a period of time, not to exceed ten years, subject to appropriation of funds therefor.

5. The governmental unit shall include in its annual budget and appropriations measures for each fiscal year any amounts payable under guaranteed energy savings contracts during that fiscal year.

6. A governmental unit may use designated funds for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements, so long as that use is consistent with the purpose of the appropriation.

7. Notwithstanding any provision of this section to the contrary, a not-for-profit corporation incorporated pursuant to chapter 355, RSMo, and operating primarily for educational purposes in cooperation with public or private schools shall be exempt from the provisions of this section."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, by inserting in the appropriate location the following:

"8.235. 1. Notwithstanding subsection 3 of section 8.231 and section 34.040, RSMo, the division of design and construction is hereby authorized to contract for guaranteed energy cost savings contracts by selecting a bid for proposal from a contractor or team of contractors using the following criteria:

(1) **The specialized experience and technical competence of the firm or team with respect to the type of services required;**

(2) **The capacity and capability of the firm or team to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project; and**

(3) **The past record of performance of the firm or team with respect to such factors as control of costs, quality of work and ability to meet schedules.**

2. Each guaranteed energy cost saving contract, authorized pursuant to this section, shall reduce the estimated energy consumption by a minimum of twelve percent or reduce the cost of energy and related savings by a minimum of twelve percent.

3. The guaranteed energy cost saving contract shall otherwise be in accordance with the provisions of section 8.231.

4. The division of design and construction is authorized to use this procurement process for eight projects.

640.651. As used in sections 640.651 to 640.686, the following terms mean:

(1) "Applicant", any school, hospital, small business, local government or other energy-using sector or entity authorized by the department through administrative rule, which submits an application for loans or financial assistance to the department;

(2) "Application cycle", the period of time each year, as determined by the department, that the department shall accept and receive applications seeking loans or financial assistance under the provisions of sections 640.651 to 640.686;

(3) "Authority", the environmental improve-ment and energy resources authority;

(4) "Borrower", a recipient of loan or other financial assistance program funds subsequent to the execution of loan or financial assistance documents with the department or other applicable parties provided that a building owned by the state or an agency thereof, **other than a state college or state university**, shall not be eligible for loans or financial assistance pursuant to sections 640.651 to 640.686;

(5) "Building", including initial installation in a new building, any applicant-owned and -operated structure, group of closely situated structural units that are centrally metered or served by a central utility plant, or an eligible portion thereof, which includes a heating or cooling system, or both;

(6) "Department", the department of natural resources;

(7) "Energy conservation loan account", an account to be established on the books of a borrower for purposes of tracking information related to the receipt or expenditure of the loan funds or financial assistance, and to be used to receive and remit energy cost savings for purposes of making payments on the loan or financial assistance;

(8) "Energy conservation measure" or "ECM", an installation or modification of an installation in a building or replacement or modification to an energy-consuming process or system which is primarily intended to maintain or reduce energy consumption and reduce energy costs, or allow the use of an alternative or renewable energy source;

(9) "Energy conservation project" or "project", the design, acquisition, installation, and implementation of one or more energy conservation measures;

(10) "Energy cost savings" or "savings", the value, in terms of dollars, that has or is estimated to accrue from energy savings or avoided costs due to implementation of an energy conservation project;

(11) "Estimated simple payback", the estimated cost of a project divided by the estimated energy cost savings;

(12) "Fund", the energy set-aside program fund established in section 640.665;

(13) "Hospital", a facility as defined in subsection 2 of section 197.020, RSMo, including any medical treatment or related facility controlled by a hospital board;

(14) "Hospital board", the board of directors having general control of the property and affairs of the hospital facility;

(15) "Loan agreement", a document agreed to by the borrower's school, hospital or corporate board, principals of a business, the governing body of a local government or other authorized officials and the department or other applicable parties and signed by the authorized official thereof, that details all terms and requirements under which the loan is issued or other financial assistance granted, and describes the terms under which the loan or financial assistance repayment shall be made;

(16) "Payback score", a numeric value derived from the review of an application, calculated as prescribed by the department, which may include an estimated simple payback or life-cycle costing method of economic analysis and used solely for purposes of ranking applications for the selection of loan and financial assistance recipients within the balance of program funds available;

(17) "Project cost", all costs determined by the department to be directly related to the implementation of an energy conservation project, and, for initial installation in a new building, shall include the incremental cost of a high-efficiency system;

(18) ["Repayment period", unless otherwise negotiated as required under section 640.660, the period in years required to repay a loan or financial assistance as determined by the projects' estimated simple payback or life-cycle costing analysis, and rounded to the next year in cases where the estimated simple payback or life-cycle costing analysis is in a fraction of a year;

(19)] "School", an institution operated by a **state college or state university**, public agency, political subdivision or a public or private nonprofit organization tax exempt under section 501(c)(3) of the Internal Revenue Code which:

(a) Provides, and is legally authorized to provide, elementary education or secondary education, or both, on a day or residential basis;

(b) Provides and is legally authorized to provide a program of education beyond secondary education, on a day or residential basis; admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; is accredited by a nationally recognized accrediting agency or association; and provides an educational program for which it awards a bachelor's degree or higher degree or provides not less than a two-year program which is acceptable for full credit toward such a degree at any institution which meets the preceding requirements and which provides such a program; or

(c) Provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation; provides and is legally authorized to provide a program of education beyond secondary education, on a day or residential basis; admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; and is accredited by a nationally recognized accrediting agency or association;

[(20)] **(19)** "School board", the board of education having general control of the property and affairs of any school as defined in this section;

[(21)] **(20)** "Technical assistance report", a specialized engineering report that identifies and specifies the quantity of energy savings and related energy cost savings that are likely to result from the implementation of one or more energy conservation measures;

[(22)] **(21)** "Unobligated balance", that amount in the fund that has not been dedicated to any projects at the end of

each state fiscal year.

640.653. 1. An application for loan funds or other financial assistance may be submitted to the department for the purpose of financing all or a portion of the costs incurred in implementing an energy conservation project. The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the department. This section shall not preclude any applicant or borrower from joining in a cooperative project with any other local government or with any state or federal agency or entity in an energy conservation project; provided that, all other requirements of sections 640.651 to 640.686 are met.

2. Eligible applications shall be assigned a payback score derived from the application review performed by the department. Applications shall be selected for loans and financial assistance beginning with the lowest payback score and continuing in ascending order to the highest payback score until all available program funds have been obligated within any given application cycle. The selection criteria may be applied per sector or entity to assure equity pursuant to section 640.674. In no case shall a loan or financial assistance be made to finance an energy project with a payback score of less than six months or more than [eight years] **ten years or eighty percent of the expected useful life of the energy conservation measures when the expected useful life exceeds ten years**. Repayment periods are to be determined by the department. Applications may be approved for loans or financial assistance only in those instances where the applicant has furnished the department information satisfactory to assure that the project cost will be recovered through energy cost savings during the repayment period of the loan or financial assistance. In no case shall a loan or financial assistance be made to an applicant unless the approval of the governing board or body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable.

3. The department shall approve or disapprove all applications for loans or financial assistance which are sent by certified or registered mail or hand delivered and received by the department's division of energy on, or prior to, the ninetieth day following the date of application cycle closing. Any applications which are not acted upon by the department by such date shall be deemed to be approved as submitted.

4. The department of elementary and secondary education shall be provided a summary of all proposed public elementary and secondary school projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans or financial assistance by the department, the department of elementary and secondary education shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related state programs for public education facilities.

5. The department of health and senior services shall be provided a summary of all proposed hospital projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans or financial assistance by the department of natural resources, the department of health and senior services shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related health requirements for hospital facilities.

6. The coordinating board for higher education shall be provided a summary of all proposed public higher education facility projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans and financial assistance by the department, the coordinating board for higher education shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related state programs for education facilities."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 712**, entitled:

An Act to repeal sections 44.010, 44.023, 190.500, 306.124, 307.177, 407.472, 473.697, 490.620, 542.400, 542.402, 542.404, 542.406, 542.408, 542.410, 542.412, 542.414, 542.416, 542.418, 542.420, 542.422, 570.030, 571.020, 574.105, 574.115, 575.080, 578.008 and 610.021, and to enact in lieu thereof thirty-four new sections relating to terrorism, with penalty provisions, and expiration date for a certain section and an emergency clause.

With House Amendments Nos. 1, 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendments Nos. 4, 5, 8 and 10.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 22, Section 542.404, Line 22, by deleting said line after the term "**evidence of**" through Page 23, Line 10 and inserting in lieu thereof the following:

"a felony which involves the manufacture or distribution of a controlled substance, as the term is defined by section 195.016, or the felony of murder, arson, or kidnapping, or a terrorist threat as defined in section 574.115, or any conspiracy to commit any of the foregoing."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 3, Section 38.050, Line 4 of said page, by deleting the word ", **bioterrorism**" and inserting in lieu thereof the following: "**and bioterrorism preparedness**"; and

Further amend said bill, Page 3, Section 38.050, Line 9 of said page, by deleting the word ", **bioterrorism**" and inserting in lieu thereof the following: "**and bioterrorism protections**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 53, Section 610.021, Line 15 of said page, by deleting the number "**2006**" on said line and inserting in lieu thereof the number "**2005**"; and

Further amend said bill, Page 53, Section 610.021, Line 16 of said page by inserting after all of said line the following: "**A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three business days act upon such public records request, pursuant to section 610.023. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section. This exception shall sunset on December 31, 2006.**"; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 55, Section 610.021, Line 6 of said page, by inserting immediately after all of said line the following:

"640.100. 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water

Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536, RSMo, and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644, RSMo, shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

3. The commission shall promulgate rules and regulations for the certification of public water system operators, backflow prevention assembly testers and laboratories conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. Any such state certification shall satisfy any need for local certification as a backflow prevention assembly tester. However, political subdivisions may set additional testing standards for individuals who are seeking to be certified as backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary, agencies of the state or its political subdivisions shall only require carbonated beverage dispensers to conform to the backflow protection requirements established in the National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent testing laboratory. The commission shall promulgate rules and regulations for collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The department of natural resources or the department of health and senior services shall, at the request of any supplier, make any analyses or tests required pursuant to the terms of section 192.320, RSMo, and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services, both within the department of natural resources and the department of health and senior services, laboratory certification and program administration as required by sections 640.100 to 640.140. The laboratory services and program administration fees pursuant to this subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand one hundred service connections, three hundred dollars for supplying less than seven thousand six hundred service connections, five hundred dollars for supplying seven thousand six hundred or more service connections, and five hundred dollars for testing surface water. Such fees shall be deposited in the safe drinking water fund as specified in section 640.110. The analysis of all drinking water required by section 192.320, RSMo, and sections 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of health and senior services laboratories or laboratories certified by the department of natural resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. Such records shall be available for public inspection during regular business hours.

5. The department shall provide training and technical assistance to public water systems to protect against threats of tampering, sabotage, and terrorism.

6. For the purposes of this section, "tampering" means to knowingly introduce a contaminant or otherwise interfere with the operation of a public water system for the purpose of causing a substantial interruption or impairment of service. Tampering with a public water system shall be tampering in the first degree pursuant to

section 569.080, RSMo. The department may bring a civil action in the appropriate court against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system.

7. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size, shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections \$2.00

1,001 to 4,000 connections 1.84

4,001 to 7,000 connections 1.67

7,001 to 10,000 connections 1.50

10,001 to 20,000 connections 1.34

20,001 to 35,000 connections 1.17

35,001 to 50,000 connections 1.00

50,001 to 100,000 connections 84

More than 100,000 connections 66.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed five dollars; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed twenty-five dollars; and for customers with meters greater than four inches in size shall not exceed fifty dollars.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

[6.] 8. Fees imposed pursuant to subsection [5] 7 of this section shall become effective on August 28, 1992, and shall be collected by the public water system serving the customer. The commission shall promulgate rules and regulations on the procedures for billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection [5] 7 of this section are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the director of the department of revenue at frequencies not less than quarterly. Two percent of the revenue arising from the fees shall be retained by the public water system for the purpose of reimbursing its expenses for billing and collection of such fees.

[7.] 9. Imposition and collection of the fees authorized in subsection [5] 7 of this section shall be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted to the safe drinking water program within the department of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not be reinstated until the first day of the calendar quarter following the

quarter during which such delegated authority is reinstated.

[8.] **10.** Fees imposed pursuant to subsection [5] **7** of this section shall expire on September 1, [2002] **2007.**" ; and

Further amend said bill in the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 41, Section 570.030, Line 3, by adding after said line: "**of explosive grade.**".

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 55, Section 610.021, Line 6, by inserting immediately after said line the following:

"650.450. 1. A death benefit of one hundred fifty thousand dollars for a public safety officer who dies in the line of duty, shall be paid in a lump sum to the following relative:

(a) To the surviving spouse;

(b) If there is no surviving spouse, to the surviving children to be shared equally;

(c) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

2. A public safety officer for the purposes of this section is a firefighter, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state or Missouri or a political subdivision thereof or any volunteer firefighter serving a rural, volunteer or subscription fire department or organization.

3. As used in this section, "dies in the line of duty" refers to a death that occurs as a direct result of a personal injury or illness resulting from any action of a public safety officer while actively performing duties as authorized or obligated by law, rule, regulation or condition of employment or service to perform.

4. The office of administration shall administer claims and payments pursuant to this section. Funding for death benefits pursuant to this section shall be paid from general revenue. Should the number of claims filed during any fiscal year exceed the appropriation for benefits pursuant to this section, benefits shall be paid on a pro rata basis."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, by inserting the following in the appropriate location:

"1. As used in this section "institution of higher education" or "institution" shall mean any flight school or any institution of post-secondary education, including a university, college, vocation and technical school and other post-secondary institutions.

2. Any institution of higher education which has any student who is enrolled in or attending such institution on a foreign student visa, shall track the visa status of that student and shall report any change in that student's visa status, within forty-eight hours of becoming aware of it, to the department of immigration and naturalization services."

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Westfall moved that **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, to the Committee on State Budget Control.

President Pro Tem Kinder referred **HCS** for **HB 1143**, with **SCS**; **HS** for **HCS** for **HB 1650**, with **SCS** and **HS** for **HCS** for **HB 1654** and **1156**, with **SCS** to the Committee on State Budget Control.

President Pro Tem Kinder referred **SR 1719** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kenney, the Senate recessed for approximately 30 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

HOUSE BILLS ON THIRD READING

Senator Kenney moved that **SS No. 2** for **SCS** for **HB 1446**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Kenney, **SS No. 2** for **SCS** for **HB 1446**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Foster	Gibbons
Goode	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Dougherty	Gross	Jacob--3	
	Absent--Senators		
Quick	Staples--2		
	Absent with leave--Senators		
DePasco	House--2		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

HB 1953, with **SCS**, introduced by Representative Van Zandt, et al, entitled:

An Act to repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 197.272, 197.450, and 701.302, RSMo, and to enact in lieu thereof eight new sections relating to various advisory committees for the department of health and senior services.

Was called from the Informal Calendar and taken up by Senator Singleton.

SCS for **HB 1953**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1953

An Act to repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 192.1078, 192.1080, 197.272, 197.450, 660.620, 660.625 and 701.302, RSMo, relating to various advisory offices of the department of health and senior services, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **HB 1953** be adopted.

Senator Caskey offered **SS** for **SCS** for **HB 1953**, entitled:

An Act to repeal sections 190.101, 191.305, 191.900, 191.910, 192.707, 192.712, 192.745, 197.272, 197.367, 197.450, 198.006, 198.012, 198.022, 198.029, 198.032, 198.036, 198.039, 198.067, 198.070, 198.073, 198.080, 198.082, 198.085, 198.086, 198.088, 198.090, 198.093, 198.525, 198.526, 198.531, 198.532, 208.156, 210.933, 210.936, 344.050, 565.186, 565.188, 565.190, 630.140, 630.167, 660.050, 660.263, 660.270, 660.300, 660.305, 660.315, 660.317, 660.320 and 701.302, RSMo, relating to the department of health and senior services, and to enact in lieu thereof sixty-eight new sections relating to the same subject, with penalty provisions.

Senator Caskey moved that **SS** for **SCS** for **HB 1953** be adopted.

Senator Childers assumed the Chair.

Senator Rohrbach raised the point of order that the **SS** is out of order, as it goes beyond the scope of the original **HB 1953**.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SCS for **HB 1953** was again taken up.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1953, Page 8, Section 197.450, Line 33, of said page, by inserting immediately after said line the following:

"344.060. 1. The director of the department of [social services] **health and senior services** shall appoint ten suitable persons who together with the director of the division of aging of the department of [social] **health and senior services** shall constitute the "Missouri Board of Nursing Home Administrators" which is hereby created **within the department of health and senior services** and which shall have the functions, powers and duties prescribed by sections 344.010 to 344.100.

2. In addition to the director of the division of aging or his designee the membership of the board shall consist of one

licensed physician, two licensed health professionals, one person from the field of health care education, four persons who have been in general administrative charge of a licensed nursing home for a period of at least five years immediately preceding their appointment, and two public members. The public members shall be persons who are not, or never were, licensed nursing home administrators or the spouse of such persons, or persons who do not have or never have had a material, financial interest in either the providing of licensed nursing home services or in an activity or organization directly related to licensed nursing home administration. Neither the one licensed physician, the two licensed health professionals, nor the person from the health care education field shall have any financial interest in a licensed nursing home.

3. The members of the board shall be appointed for three-year terms or until their successors are appointed and qualified provided that no more than four members' terms shall expire in the same year. All members appointed prior to September 28, 1979, shall serve the term for which they were appointed. The governor shall fill any vacancies on the board [from a list of five names submitted by the director of the department of social services] **as necessary**. Appointment to fill an unexpired term shall not be considered an appointment for a full term. Board membership, continued until successors are appointed and qualified, shall not constitute an extension of the three-year term and the successors shall serve only the remainder of the term.

4. [To] Every member [appointed by the director of the department of social services, there] shall [be issued] **receive** a certificate of appointment; and every appointee, before entering upon his **or her** duties, shall take the oath of office required by article VII, section 11, of the Constitution of Missouri.

5. Any member of the board may be removed by the director of the department of [social services] **health and senior services** for misconduct, incompetency or neglect to duty after first being given an opportunity to be heard in his own behalf."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1953, Page 1, In the Title, Line 2, by deleting the numbers "**192.1078, 192.1080**" from said line; and further amend Pages 5-6, Sections 192.1078 and 192.1080 by deleting said sections; and further amend Section A, Lines 4, by deleting the numerals "192.1078, 192.1080".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Stoll offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1953, Page 1, In the Title, Line 5, of said page, by inserting after "subject" the following: "and with a delayed effective date for a certain section"; and

Further amend said bill, Page 6, Section 192.1080, Line 4 of said page, by inserting after all of said line the following:

"194.210. As used in sections 194.210 to [194.290] **194.307**, the following words and terms mean:

(1) "Bank or storage facility", a facility licensed, accredited, or approved [under] **pursuant to** the laws of any state for storage of human bodies or parts thereof **and subject to registration with the United States Food and Drug Administration**;

(2) "Decedent", a deceased individual and includes a stillborn infant or fetus;

(3) "Donee":

(a) Any hospital, surgeon or physician, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; or

(b) Any accredited medical or dental school, college or university or the state anatomical board for education, research, advancement of medical or dental science or therapy; or

(c) Any bank, storage facility or OPO, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(d) Any specified individual for therapy or transplantation needed by such individual;

(4) "Donor", an individual who makes a gift of all or part of his or her body;

(5) "Fund", the organ donor program fund established pursuant to section 194.297;

[(4)] (6) "Hospital", [a hospital licensed, accredited, or approved under the laws of any state and includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws] as defined in section 197.020, RSMo;

(7) "Hospital designee", an individual designated by the hospital to initiate a request for organ donation in accordance with the requirements of 42 CFR 482.45;

(8) "OPO", a federally certified organ procurement organization designated pursuant to 42 CFR 486.301 to 486.325, as amended, to serve all or part of the state of Missouri;

[(5)] (9) "Part", organs, tissues, eyes, bones, [arteries,] blood vessels, other fluids and any other portions of a human body;

[(6)] (10) "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

[(7)] (11) "Physician" or "surgeon", a physician or surgeon licensed or authorized to practice under the laws of any state;

[(8)] (12) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

194.220. 1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his or her body for any purpose specified in section 194.230, the gift to take effect upon death. **Any individual who is a minor and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, application for the donor's instruction permit or driver's license, or other document of gift.** An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person.

2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual knowledge of a gift by the decedent [under] **pursuant to** subsection 1 of this section or actual notice of contrary indications by the decedent or of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 194.230:

(1) An attorney in fact under a durable power of attorney that expressly refers to making a gift of all or part of the

principal's body [under] **pursuant to** the uniform anatomical gift act;

- (2) The spouse;
- (3) An adult son or daughter;
- (4) Either parent;
- (5) An adult brother or sister;
- (6) A guardian of the person of the decedent at the time of his **or her** death;
- (7) Any other person authorized or under obligation to dispose of the body.

3. If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection 2 of this section may make the gift after or immediately before death.

4. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

5. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection 4 of section 194.270.

194.230. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

- (1) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or
- (2) Any accredited medical or dental school, college or university or the state anatomical board for education, research, advancement of medical or dental science, or therapy; or
- (3) Any bank [or], storage facility **or OPO**, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or
- (4) Any specified individual for therapy or transplantation needed by [him] **such individual**.

194.233. 1. [The chief executive officer of each hospital in this state shall designate one or more trained persons to request anatomical gifts which persons shall not be connected with determination of death. The hospital official may designate a representative of an organ or tissue procurement organization to request consent.

2. When there is a patient who is a suitable candidate for organ or tissue donation based on hospital accepted criteria the designee shall request consent to a donation from the persons authorized to give consent as specified in subdivision (1), (2), (3), (4), (5) or (6) of subsection 2 of section 194.220. The request shall be made in the order of priority stated in subsection 2 of section 194.220. When the hospital cannot, from available information, ascertain that the patient has next-of-kin authorized to give consent as specified in subdivision (2), (3), (4), (5) or (6) of subsection 2 of section 194.220, then the hospital shall notify and request consent to a donation from a member of the class described in subdivision (7) of subsection 2 of section 194.220. Such notification to a member of the class described in subdivision (7) of subsection 2 of section 194.220 shall occur before death where practicable.

3.] Each hospital shall comply with the requirements of 42 CFR 482.45, as amended, which establishes standards for hospital participation in the organ procurement and donation process.

2. No request shall be required if the hospital designee has actual notice of a gift by the decedent under subsection 1 of section 194.220 or actual notice of contrary indications by the decedent.

[4.] **3.** Consent shall be obtained by the methods specified in section 194.240.

[5.] **4.** Where a donation is requested, the designee shall verify such request in the patient's medical record. Such verification of request for organ donation shall include a statement to the effect that a request for consent to an anatomical gift has been made, and shall further indicate thereupon whether or not consent was granted, the name of the person granting or refusing the consent, and his or her relationship to the decedent.

[6. Upon the approval of the designated next of kin or other individual, as set forth in subsection 2 of section 194.220, the hospital shall then notify an organ or tissue procurement organization and cooperate in the procurement of the anatomical gift or gifts pursuant to applicable provisions of sections 194.210 to 194.290.

7.] **5.** No hospital shall have an obligation to retrieve [the] **an** organ or tissue donated pursuant to [this section] **sections 194.210 to 194.307.**

194.240. 1. A gift of all or part of the body [under] **pursuant to** subsection 1 of section 194.220 may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

2. A gift of all or part of the body [under] **pursuant to** subsection 1 of section 194.220 may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in [his] **the donor's** presence or before a notary or other official authorized to administer oaths generally. If the donor cannot sign, the document may be signed for [him] **the donor** at [his] **the donor's** direction and in [his] the donor's presence in the presence of two witnesses who must sign the document in [his] the donor's presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

3. The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by a physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death or if the gift cannot be implemented, a physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee [under] **pursuant to** this subsection shall not participate in the procedures for removing or transplanting a part.

4. Notwithstanding the provisions of subsection 2 of section 194.270, the donor may designate in his or **her will**, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician to carry out the appropriate procedures. For the purpose of removing an eye or part thereof, any medical technician employed by a hospital, physician or eye bank and acting under supervision may perform the appropriate procedures. Any medical technician authorized to perform such procedure shall successfully complete the course prescribed in section 194.295 for embalmers.

5. Any gift by a person designated in subsection 2 of section 194.220 shall be made by a document signed by him or her or made by his **or her** telegraphic, recorded telephonic, or other recorded message.

6. A gift of part of the body [under] **pursuant to** subsection 1 of section 194.220 may also be made by a statement on a form which shall be provided on the reverse side of all Missouri motor vehicle licenses issued pursuant to chapter 302, RSMo. The statement to be effective shall be signed by the owner of the license in the presence of two witnesses, who shall sign the statement in the presence of the donor. Use of the form is prima facie evidence that the owner of the license intended to make the anatomical gift, and there shall be no civil or criminal liability for removal of any part of the body indicated on the form by a licensed physician [or], surgeon **or donee**. The gift becomes effective upon the death of the donor. Delivery of the license during the donor's lifetime is not necessary to make the gift valid. The gift shall become invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift must be renewed upon renewal of each license. Pertinent medical information which may affect the quality of the gift may be included in the statement of gift.

7. Any person eighteen years of age or older, or any person under the age of eighteen with parental consent who indicates the desire to make an organ donation through any method prescribed in this section may also contact the department of health and senior services when completing such form, so that the information may be included in the registry maintained by the department pursuant to subsection 1 of section 194.304. Failure to contact the department of health and senior services shall not be construed to challenge the validity of the organ donation.

8. Organ procurement organizations and tissue banks may [employ] **engage** coordinators to assist in the procurement of cadaveric organs and tissue for transplant or research. A coordinator who assists in the procurement of cadaveric organs or tissue for transplantation or research must do so under the direction and supervision of a physician or surgeon. With the exception of organ procurement surgery, this supervision may be indirect supervision. For purposes of this subsection, the term "indirect supervision" means that a physician or surgeon is responsible for the medical actions of the coordinator, that the coordinator is acting under protocols expressly approved by a physician or surgeon, and that a physician or surgeon is available, in person or by telephone, to provide medical direction, consultation and advice in cases of organ and tissue donation and procurement.

9. The department of health and senior services shall collect information and publish an annual report which shall include the number of organ and tissue donations made in the state, the number of organ or tissue donations received by citizens of the state of Missouri, the number of organ or tissue donations transported outside the state boundaries and the cost of such organ or tissue donations.

194.297. There is established in the state treasury the "Organ Donor Program Fund", which shall consist of all moneys deposited by the director of revenue pursuant to subsection 2 of section 302.171, RSMo, and any other moneys donated or appropriated to the fund. **Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources.** The state treasurer shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation, by the department of health and senior services, in consultation with the organ donation advisory committee, for implementation of organ donation awareness programs in the manner prescribed in [subsection 2 of section 194.300] **section 194.299.** Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the organ donor program fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. There shall be no money appropriated from general revenue to administer the fund in the event the fund cannot sustain itself.

194.299. The moneys in the organ donor program fund shall be expended as follows:

- (1) Grants by the department of health and senior services to certified organ procurement organizations for the development and implementation of organ donation awareness programs in this state;
- (2) Publication of informational pamphlets or booklets by the department of health and senior services and the advisory committee regarding organ donations and donations to the organ donor program fund when obtaining or renewing a license to operate a motor vehicle pursuant to subsection 2 of section 302.171, RSMo, **or when obtaining or renewing a registration for a motor vehicle pursuant to section 301.020, RSMo;**
- (3) Maintenance **and promotion** of a central registry of organ donors pursuant to subsection 1 of section 194.304; [and]
- (4) Implementation **and promotion** of organ donation awareness programs in the secondary schools of this state by the department of elementary and secondary education; **and**
- (5) Implementation and promotion of programs which promote minority or ethnic organ donation.**

194.300. 1. There is established within the department of health and senior services the "Organ Donation Advisory Committee", which shall consist of the following members, **with those members described in subdivisions (1) to (4) of this subsection** appointed by the governor with the advice and consent of the senate:

- (1) [Four representatives of organ and tissue procurement organizations;

(2)] Two members, from any federally certified OPO who shall be employed by or affiliated with an OPO. The members shall be appointed by the governor from a list of nominees submitted by each OPO;

(2) One member representing an eye bank, who shall be employed by or affiliated with an eye bank. The member shall be appointed by the governor from a list of nominees submitted by the eye bank;

(3) Four members representative of organ recipients, families of organ recipients, organ donors and families of organ donors;

[(3)] (4) One [health care representative from a hospital located in Missouri; and] member representing the hospital industry, who shall be employed by or affiliated with a hospital. The member shall be appointed by the governor from a list of nominees submitted by a trade association representing Missouri hospitals;

[(4) One representative] (5) The director of the department of health and senior services or his or her designee; and

(6) The director of the department of revenue or his or her designee.

2. Members of the advisory committee shall receive no compensation for their services, but may be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties out of appropriations made for that purpose. Members shall serve for five year terms and shall serve at the pleasure of the governor.

3. Of the members first appointed after August 28, 2002, four shall be appointed for an initial term of two years, four shall be appointed for an initial term of three years, three shall be appointed for an initial term of four years and the remaining members shall be appointed for an initial term of five years. After the initial term, members shall be appointed to serve for five-year terms. Members shall serve at the pleasure of the governor. Members who cease to meet the state qualifications during a term of office shall be replaced with a member appointed to complete the unexpired term.

194.302. **1.** The advisory committee shall assist the department of health and senior services and the department of elementary and secondary education in the development of organ donor awareness programs to educate the general public on the importance of organ donations and shall recommend priorities in the expenditures from the organ donor program fund. The advisory committee shall submit a report of its activities and recommendations to the director of the department of health and senior services, the general assembly and the governor by the fifteenth day of January of each year, beginning January 15, 1997.

2. The department of health and senior services shall provide Internet access to the organ donor registry for authorized personnel and explore additional methods for registering new participants. The advisory committee shall submit a report of its findings to the director of the department of health and senior services, the general assembly and the governor by January 15, 2003."; and

Further amend said bill, Page 8, Section 197.450, Line 33 of said page, by inserting after all of said line the following:

"301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or

trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company which pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 3 of this section, to the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such claimant, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant

presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in section 194.297, RSMo. Moneys in the organ donor fund shall be used solely for the purposes established in section 194.299, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection. The provisions of this subsection shall be effective on July 1, 2003.

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one-dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection and whether the applicant is interested in [making an organ donation] **inclusion in the organ donor registry** and shall also specifically inform the licensee of the ability to [make an] **consent to** organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in [making organ donations] **registry participation**, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for

its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one- dollar donation prescribed in this subsection.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial or noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

5. The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

6. The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

7. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information as the driver's license upon payment of six dollars if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for one dollar or a nondriver's license card with a photograph for six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license. **The director shall provide by administrative rule the procedure and format for an applicant to indicate a designation for an anatomical gift as provided in section 194.240, RSMo, on the back of the nondriver's license card. Applicants requesting a nondriver's license shall be offered the option of registry participation and the opportunity to donate to the organ donor fund as provided in section 302.171.**

8. [No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."**; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted.

Senator Childers assumed the Chair.

Senator Caskey raised the point of order that **SA 3** is out of order, as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Anmend Senate Committee Substitute for House Bill No. 1953, Page 1, Section A, Line 5, by inserting after all of said line the following:

"37.525. 1. There is hereby established within the office of administration, the "Life Sciences Research Program". The program shall be administered by the commissioner of the office of administration based upon the recommendations of the "Life Sciences Research Committee", which is hereby created. The program shall consist of grant or contract awards from moneys appropriated from the "Healthy Families Trust Fund-Life Sciences Research Account". The grant or contract awards shall be designed to achieve the goals stated in subsection 4 of this section. The grants and contracts awards process shall be in accordance with chapter 34, RSMo. Grants or contracts awards shall only be made to public or private not-for-profit academic, research health care, or other institutions or organizations locate in Missouri.

2. The life sciences research committee shall consist of the directors of the following departments: department of health and senior services, department of agriculture, department of higher education, and department of economic development and eight members who shall be appointed by the governor in the following manner:

(1) Current members of the life sciences research committee who have been appointed pursuant to executive order 01-10 shall serve as members of the life sciences research committee created by this section until the completion of their respective terms. Thereafter, each of the eight appointed members shall be appointed by the governor with the advice and consent of the senate for a term of six years. The committee shall select its own

chairperson from among its members;

(2) The members of the committee appointed by the governor shall be generally familiar with the life sciences and current research trends and developments, with either technical or scientific expertise in life sciences, and with an understanding of the application of the results of life sciences research;

(3) No member appointed by the governor of the life sciences research committee shall serve more than two consecutive full six-year terms on the committee; and

(4) The life sciences research committee shall solicit, collect and prioritize proposed research initiatives for consideration for funding by the committee.

3. The life sciences research committee shall solicit, collect and prioritize proposed research initiatives for consideration for funding by the committee.

4. The life sciences research committee shall take applications for grant or contract awards in order to increase the capacity and infrastructure for quality life sciences research in the state of Missouri and to improve the quantity and quality of life sciences research. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to health research in human safety development and aging, cancer, endocrine, cardiovascular, neurological including nerve regeneration, pulmonary, diagnostic disease and infectious disease, nutrition, food safety, connective tissue disease, asthma and obesity.

5. The applications shall be designed by the office of administration in consultation with the committee and shall contain information necessary to determine the potential benefits of grant or contract awards to be awarded, as well as other information deemed necessary for the administration of this program. The grant or contract award application shall describe in detail the proposed research project and how the research project shall be conducted in compliance with the requirements of sections 37.525 to 37.537. The office of administration shall not approve a grant or contract award unless the commissioner makes specific written findings that such research project shall be conducted in compliance with sections 37.525 to 37.537. The grant or contract award application and the grant or contract award shall be a public record within the meaning of chapter 610, RSMo.

6. The office of administration shall provide facilities, equipment, administrative and technical support services and administrative staff.

7. In determining projects to authorize, the life sciences research committee shall consider the potential of any proposal to bring both health and economic benefit to the people of Missouri.

8. The life sciences research committee shall have the authority to:

(1) Award research grants or contract awards in accordance with chapter 34, RSMo;

(2) Adopt research standards;

(3) Make recommendations to the commissioner of the office of administration who may promulgate rules governing the administration of research programs, research grants, research contracts and licensing contracts, and the reimbursement of costs, utilization of intellectual property rights, conflict of interest guidelines, consistent with sections 37.525 to 37.537;

(4) Make provision for peer review panels to recommend and review research projects; and

(5) Make recommendations to the commissioner of the office of administration about the disbursement and administration of funds and the office of administration may receive, disburse and administer any funds

appropriated to it.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 37.525 to 37.537 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

37.528. The office of administration shall make provision for and secure from the state auditor an annual audit of its financial affairs and the funds expended from the life sciences research account. The audit shall be performed on a fiscal year basis. Any audit shall be paid for by moneys expended from the life sciences research account. The committee will make copies of each audit publicly available. Every three years the committee with assistance of its staff and the commissioner of the office of administration shall prepare a comprehensive report assessing the work and progress of the life sciences research program. Such assessment report shall analyze the impact of the committee's programs and research performed, shall be provided to the governor and members of the general assembly and shall be publicly available.

37.531. Grant or contract awards made by the life sciences research committee may provide for the reimbursement of costs. Reimbursement of particular costs will be based on guidelines established in OMB Circular A-21 section C which provides as follows: allowable costs include those costs that:

- (1) Are reasonable;**
- (2) Are allocable to the project under the recipients' standard accounting practices;**
- (3) Are given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and**
- (4) Conform to any limitations or exclusions set forth in these principles or in the contract as to types or amounts of cost items.**

37.534. Grant or contract award recipients have an obligation to preserve research freedom, to ensure timely disclosure of their research findings to the scientific community, including through publications and presentations at scientific meetings, and to promote utilization, commercialization and public availability of their inventions and other intellectual property developed in the performance of research funded by a grant or contract award. The property rights including intellectual property rights of institutions or organizations receiving grant or contract awards pursuant sections 37.525 to 37.537 shall be in compliance with The Patent and Trademark Law Amendments Act, Public Law 96-517, 1980 as amended, and as codified in Title 35 U.S.C. Sections 200-212, as amended, and 27 CFR Part 401, as amended. The life sciences research committee may, however, adopt reasonable regulations to insure that any such intellectual property rights are utilized reasonably and in a manner which is in the public interest.

37.537. 1. Notwithstanding the provisions of sections 37.525 to 37.537, no grant or contract awards shall be paid, granted, or used, to subsidize in whole or in part:

- (1) Abortion services; or**
- (2) Prohibited human research; or**
- (3) Development of drugs or chemicals intended to be used to induce an abortion; or**
- (4) Human cloning.**

2. For the purposes of this section:

- (1) "Abortion services" shall mean performing or inducing, assisting in performing or inducing, or referring a woman for, an abortion, except when necessary to save the life of the mother;**
- (2) "Child" if in vivo, shall mean the same as an unborn child, as defined in section 188.015, RSMo; and if in vitro, shall mean a human being at any of the stages of biological development of an unborn child from conception onward;**
- (3) "Conception" shall have the meaning described in section 188.015, RSMo;**
- (4) "Facilities and administrative costs" shall mean those costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular research project or any other institutional activity;**
- (5) "Grant or contract awards" shall mean awards of state funds pursuant to sections 37.525 to 37.537;**
- (6) "Human cloning" shall mean the replication of a human being genetically identical to another human being;**
- (7) "Prohibited human research" shall mean research in which there is the taking or utilization of the organs, tissue or cellular material of a:**
 - (a) Deceased child, unless consent was given the manner provided pursuant to sections 37.525 to 37.537, RSMo, relating to anatomical gifts, and neither parent caused the death of such child or consented to someone causing the death of such child; or**
 - (b) Living child, when the intended or likely result of such taking or utilization is to kill or cause serious harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;**
- (8) "Research project" shall mean research specified in the grant or contract award conducted under the auspices of the institution or institutions that applied for and received such grant or contract award pursuant to sections 37.525 to 37.537, regardless of whether the research is funded in whole or part by such grant or contract award. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, sickle cell anemia, infectious disease, nutrition, food safety, connective tissue disease, asthma and obesity. Such research may also include research and development on product safety and preventative care technologies.**

3. No grant or contract awards shall be paid or granted pursuant to sections 37.525 to 37.537 to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, prohibited human research, the development of drugs or chemicals intended to be used to induce an abortion or human cloning. A research project that receives a grant or contract award shall not share costs with another research project, person or entity not qualified to receive a grant or contract award pursuant to sections 37.525 to 37.537; provided, however, the research project that receives a grant or contract award may pay facilities and administrative costs directly allocable to such research project. A research project that receives a grant or contract award shall maintain financial records that demonstrate strict compliance with this section. The audit conducted pursuant to section 37.528 shall also certify compliance with this section.

4. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the office of administration, its officers or employees, in a circuit court of proper venue to enforce the provisions of this section.

5. Sections 37.525 to 37.537 shall not be construed to permit or make lawful any conduct that is otherwise

unlawful under the laws of this state.

6. All of the provisions of sections 37.525 to 37.534 are severable; provided, however, the provisions of section 37.537 are not severable from the provisions of sections 37.525 to 37.534. If any provision of sections 37.525 to 37.534 is found to be invalid, unenforceable or unconstitutional, the remaining provisions of sections 37.525 to 37.534 shall be and remain valid. However, if any provision of section 37.537 shall be found to be invalid, unenforceable or unconstitutional, all the provisions of sections 37.525 to 37.534 shall be invalid and unenforceable."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 4** is out of order, as it goes beyond the scope and purpose of the original **HB 1953**.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bland offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 1953, Page 5, Section 192.745, Line 67, by inserting after all of said line the following:

"192.975. 1. As used in this section, the following words and phrases shall mean:

(1) "Body mass index" or "BMI", the relationship between weight and height used to assess health risk related to excess weight, based on a mathematical formula that is expressed as weight in kilograms divided by height in meters squared ($BMI = kg/m^2$) or weight in pounds divided by height in inches squared and multiplied by 703 ($BMI = lbs/in^2 \times 703$);

(2) "Department", the department of health and senior services;

(3) "Dietary Guidelines for Americans", the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives and reduce chronic disease risks;

(4) "Nutrition education", a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating patterns;

(5) "Obesity", a body mass index of more than $30kg/m^2$ among adults and among children or a body mass index greater than the ninety-fifth percentile for age and sex in six to ten year olds;

(6) "Overweight", a body mass index between $25kg/m^2$ and $29.9kg/m^2$ among adults and children or a body mass index greater than the eighty-fifth percentile but less than the ninety-fifth percentile;

2. There is hereby created the "Missouri Commission on Prevention and Management of Obesity" within the department of health and senior services to be in existence within sixty days of the effective date of this section until August 28, 2004.

3. The functions and duties of the commission shall include, but not be limited to, the following:

(1) Collecting and analyzing data regarding the extent to which children and adults in Missouri suffer from obesity, including data already available to the department of health and senior services, the division of medical

services and, where feasible, the data available to commercial insurers;

(2) Listing programs and services currently available to address the health, mental health, and social services needs of overweight children and adults;

(3) Listing funds dedicated within the state through commercial and self insurers, medicaid, and other federal and state funds to maintain such programs and services;

(4) Collecting and analyzing data to demonstrate the economic impact on the state of failure to treat obesity;

(5) Identifying cultural, environmental, and socioeconomic barriers to the prevention and management of obesity;

(6) Identifying specific recommendations that the state must implement to increase obesity prevention and management in children and adults and providing the estimated cost of implementing those recommendations.

4. The commission shall coordinate with the United States Department of Agriculture, the United States Department of Health and Human Services, including the Health Resources and Services Administration, the Centers for Medicaid and Medicare Services, and the Centers for Disease Control and Prevention, the Missouri department of elementary and secondary education, the Missouri department of social services, and the Missouri department of mental health to share resources and information in order to ensure a comprehensive approach to the prevention and treatment of obesity and obesity-related conditions.

5. The commission shall submit a report, including proposed legislation if necessary, to the governor and to the house budget committee and the senate appropriations committee, no later than August 28, 2004. The report shall include information about the economic burden of obesity, available programs and services, and the barriers to such programs and services.

6. The commission shall be composed of at a minimum, the following twenty-two members with consideration given to equal representation by ethnic groups and by geographic area:

(1) The director of the department of health and senior services;

(2) The commissioner of the department of elementary and secondary education;

(3) The director of the department of mental health;

(4) The director of the department of social services;

(5) The director of the department of insurance;

(6) The director of the department of higher education;

(7) A member of the house of representatives as appointed by the speaker of the house of representatives;

(8) A member of the senate as appointed by the president pro tem of the senate;

(9) Two public members, to be appointed by the director of the department of health and senior services;

(10) A representative of the Missouri State Medical Association;

(11) A representative of the Missouri Chapter of the American Academy of Pediatrics;

(12) A representative of the Missouri Nurses Association;

(13) Two persons from the University of Missouri-Columbia with professional knowledge and experience from

the fields of medicine, nursing, or dietetics or nutrition sciences, jointly appointed by the deans of the University of Missouri Sinclair School of Nursing, the School of Medicine, and the College of Human and Environmental Sciences;

(14) A representative of the Missouri Dietetic Association;

(15) A representative of the Missouri Restaurant Association;

(16) A representative of the Food Processors' Association;

(17) A representative of the Food Manufacturers' Association;

(18) A representative of the School Food Service Association;

(19) A Missouri representative of the Association of American Medical Colleges; and

(20) A Missouri representative of the American Heart Association.

7. The commission shall have its first meeting no later than October 1, 2002. The director of the department of health and senior services shall serve as chair of the commission. The department shall establish the procedures necessary for the organization and operation of the commission. The commission shall meet and conduct business at least quarterly. Meetings of the commission shall comply with sections 610.010 to 610.030, RSMo.

8. Members of the commission shall receive no compensation.

9. The department shall establish and maintain a resource databank containing information about obesity and obesity-related subjects. Such databank shall be:

(1) Available to educational and research institutions, physicians, hospitals, policy makers, and members of the general public;

(2) Accessible through the department's web site and through printed materials. The department may assess reasonable charges for duplication or sale of materials; and

(3) Implemented by January 1, 2003.

10. The department of health and senior services shall provide technical assistance to schools and school districts to create healthy school nutrition environments. For purposes of this subsection, a healthy school nutrition environment shall be defined as one in which nutrition and physical activity are taught and supported in the classroom, the dining room, and throughout the school to provide positive messages that help students develop healthy eating and physical activity habits. A healthy school nutrition environment shall include:

(1) A commitment to nutrition and physical activity;

(2) Quality school meals that contain the required nourishment to foster learning and growth based upon the United States Department of Agriculture Dietary Guidelines for Americans;

(3) Other healthy food options that include sales of foods and beverages that are based on nutrition goals, not profit-making;

(4) Pleasant eating experiences so that children can relax, eat and socialize without feeling rushed;

(5) Nutrition education to build nutrition knowledge and skills into the curriculum to help children make healthy eating and physical activity choices; and

(6) Marketing to motivate parents, teachers, administrators, and the community to work towards a healthy

school nutrition environment."; and

Further amend said bill, Page 11, Section 660.625, Line 5, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to address the needs of overweight children and adults in this state, this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 5** is out of order, as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kennedy offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1953, Page 10, Section 701.302, Line 76, by inserting after said line the following:

[197.367 Upon application for renewal by any residential care facility I or II which on the effective date of this act has been licensed for more than five years, is licensed for more than fifty beds and fails to maintain for any calendar year its occupancy level above thirty percent of its then licensed beds, the division of aging shall license only fifty beds for such facility.] ; and

Further amend enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 6** is out of order, in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Cauthorn offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1953, Page 1, In the Title, Line 5 of said page, by inserting after the word "subject" the following: "and an effective date for a certain section"; and

Further amend said bill, Page 8, Section 197.450, Line 33 of said page, by inserting after all of said line the following:

"208.225. To implement fully the provisions of section 208.152, RSMo, the division of medical services shall recalculate annually the Medicaid per diem reimbursement rates of each nursing home participating in the Medicaid program as a provider of nursing home services based on its costs reported in the Title XIX cost report filed with the division of medical services for its fiscal year preceding the two facility fiscal years preceding the effective date of the recalculated rates, provided however:

(1) The recalculated Medicaid per diem reimbursement rate of a nursing home shall not be reduced below the rate allowed on the effective date of the initial recalculation for that nursing home pursuant to this section for the first three years following initial recalculation; and

(2) The recalculated Medicaid per diem reimbursement rate of a nursing home shall not be less than ninety dollars per day; and

(3) The division of medical services, when recalculating the Medicaid per diem reimbursement rate of any facility, shall not apply to that calculation a minimum utilization adjustment greater than the most current statewide average occupancy of all licensed nursing homes minus three percent."; and

Further amend said bill, Page 11, Section 660.625, Line 5 of said page, by inserting after all of said line the following:

"Section B. The provisions of section 208.225 of this act shall take effect July 1, 2002, with recalculated rates effective for periods of service beginning on January 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 7** is out of order, as it goes beyond the scope and intent of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton moved that **SCS** for **HB 1953**, as amended, be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **HB 1953**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senators			
DePasco	House--2		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORT

Senator Schneider, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 795**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 795

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 795 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 795;
2. That the Senate recede from its position on Senate Bill No. 795;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 795, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Schneider
/s/ Wayne Goode
/s/ David J. Klarich 26
/s/ Sarah Steelman
/s/ Michael R. Gibbons

FOR THE HOUSE:

/s/ Joseph L. Treadway
/s/ Wes Shoemyer
/s/ Mark Hampton
/s/ Dr. Charles Portwood
/s/ Robert J. Behnen

Senator Schneider moved that the above conference committee report be adopted.

At the request of Senator Schneider, his motion was withdrawn.

PRIVILEGED MOTIONS

Senator Russell moved that **SB 1041**, with **HCA**s **1, 2** and **3** be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Schneider	Singleton	Staples--3	
	Absent with leave--Senators		
DePasco	House--2		

HCA 2 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Foster--1			
Absent--Senator Staples--1			
Absent with leave--Senators			
DePasco	House--2		

HCA 3 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	Staples--2		
Absent with leave--Senators			
DePasco	House--2		

On motion of Senator Russell, **SB 1041**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senators			
DePasco	House--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Russell moved that **SB 1094**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1094**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1094

An Act to repeal section 198.439, RSMo, and to enact in lieu thereof two new sections relating to long-term care programs.

Was taken up.

Senator Russell moved that **HCS** for **SB 1094** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Schneider	Staples--2		
Absent with leave--Senators			
DePasco	House--2		

On motion of Senator Russell, **HCS** for **SB 1094** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Sims	Steelman

Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Mathewson	Singleton	Staples--4
	Absent with leave--Senators		
DePasco	House--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Russell moved that **SB 1168**, with **HCA 1** be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Gibbons	Goode
Gross	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senator Foster-- 1
	Absent--Senators
Bentley	Staples--2
	Absent with leave--Senators
DePasco	House--2

On motion of Senator Russell, **SB 1168**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Staples-- 1		

DePasco Absent with leave--Senators
House--2

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Westfall moved that **SB 1102**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1102**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1102

An Act to repeal section 191.680, RSMo, and to enact in lieu thereof one new section relating to nuisance.

Was taken up.

Senator Westfall moved that **HCS** for **SB 1102** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Staples	Stoll--2		
Absent with leave--Senators			
DePasco	House--2		

On motion of Senator Westfall, **HCS** for **SB 1102** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Sims
Singleton	Steelman	Stoll	Westfall

Wiggins	Yeckel--30
	NAYS--Senators--None
	Absent--Senators
Russell	Staples--2
	Absent with leave--Senators
DePasco	House--2

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Johnson moved that **SB 1119**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1119**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1119

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to security of state owned buildings.

Was taken up.

Senator Johnson moved that **HCS** for **SB 1119** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Russell	Staples--2		
	Absent with leave--Senators		
DePasco	House--2		

On motion of Senator Johnson, **HCS** for **SB 1119** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn

Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Russell	Staples--2		
	Absent with leave--Senators		
DePasco	House--2		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Foster moved that **SB 1199**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Foster moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Quick	Russell--2		
	Absent with leave--Senators		
DePasco	House--2		

On motion of Senator Foster, **SB 1199**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Rohrbach	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Quick	Russell--2		
	Absent with leave--Senators		
DePasco	House--2		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

H. Gene Dexter, as a public member of the Committee for Professional Counselors;

Also,

LaVaunt Maupin, as a member of the Missouri Public Entity Risk Management Board;

Also,

Betty Cooper Hearnese, as a member of the Second State Capitol Commission;

Also,

Dorothy Fauntleroy, as a member of the Missouri Health Facilities Review Committee;

Also,

Carol A. Moya, as a member of the Board of Regents for Missouri Western State College;

Also,

Shirley M. Sweet, as a member of the State Board of Barber Examiners;

Also,

Robert H. Marty, as a member of the Children's Trust Fund Board;

Also,

Diana L. Gray, M.D. and John J. Puetz, M.D., as members of the Missouri Genetic Advisory Committee;

Also,

Karen D. Pack, as a member of the Child Abuse and Neglect Review Board;

Also,

Stephen L. Roling, as Chairperson of the Missouri State Penitentiary Redevelopment Commission;

Also,

Jeffrey J. Simon, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Mary E. West, as a member of the St. Charles County Convention and Sports Facilities Authority;

Also,

Sarah Schuette, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Dianne L. Priest, as a member of the Seismic Safety Commission;

Also,

Clyde C. Farris, as a member of the Missouri Ethics Commission;

Also,

Leonard S. Woodson, Jr., as a student representative to the Board of Curators for Lincoln University;

Also,

William L. Treece, as a member of the Missouri Training and Employment Council;

Also,

Vergil L. Belfi, as a member of the Board of Boiler and Pressure Vessel Rules.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

RESOLUTIONS

Senators Gross and House offered Senate Resolution No. 1720, regarding the TNT Reunion, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1721, regarding Douglas Glenn, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1722, regarding Don Thebeau, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1723, regarding Michael Scola, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1724, regarding Megan Arns, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1725, regarding Cordelia Stumberg, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1726, regarding the St. Charles High School Choir, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1727, regarding the Oak Leaf Artist Guild, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1728, regarding Joyce A. Wiley, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1729, regarding Ed Pundmann, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1730, regarding Thro Clothing Company, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1731, regarding Lake St. Charles Retirement Community, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1732, regarding Leonard's Metal, Inc., St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

On behalf of Senator Rohrbach, the President introduced to the Senate, his sister, Ida Barry, Springfield; Steve, Annette and Evan Barry, Fair Grove; and Laverna Henscheid, Marshfield.

Senator Dougherty introduced to the Senate, his daughter, Bridget Dougherty, his granddaughter, Dana McFarlane, Katie Bowen and Elijah Davis, St. Louis.

Senator Klarich introduced to the Senate, David, Karen and Emily Glaser, Wildwood; Cathy and Elizabeth Worley, Ellisville; and Jason Moll; and Emily, Jason and Elizabeth were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Friday, May 10, 2002.

SENATE CALENDAR

SEVENTIETH DAY-FRIDAY, MAY 10, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and
Russell, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1402-Burton, et al,
with SCS (Steelman)
2. HB 2023-Franklin,
with SCA 1 (Foster)
3. HB 1086-Harlan, with

SCS (House)

4. HB 1926-Fraser, et al

(Quick)

5. HB 2078-Clayton

(Rohrbach)

6. HS for HCS for HBs

1502 & 1821-

Luetkenhaus, with

SCS (Rohrbach)

7. HB 1196-Barnett, et al,

with SCS (Westfall)

8. HBs 1489 & 1850-Britt,

with SCS (Steelman)

9. HS for HCS for HB

1962-Monaco, with SCS

10. HCS for HB 1817, with

SCS (Bentley)

11. HB 1773-Shelton and

Carnahan, with SCS

(Coleman)

12. HS for HCS for HBs

1461 & 1470-Seigfreid,

with SCS (Yeckel)

13. HB 1748-Ransdall

(Steelman)

14. HCS for HBs 1150,

1237 & 1327, with

SCS (Gibbons)

15. HS for HB 1455-

O'Toole, with SCS

(Gross)

16. HB 1508-Koller, with

SCS (Westfall)

17. HCS for HBs 1344 &

1944, with SCS (Caskey)

18. HB 1679-Crump, with

SCS & point of order

(Sims)

19. HCS for HB 1898, with

SCS (Goode)

20. HCS for HB 1403, with

SCS (Foster)

21. HB 1988-Kelly (144)

22. HS for HCS for HB

1906-Green (73),

with SCS (Kenney)

23. HS for HCS for HB

1756-Reid (Klarich)

24. HCS for HB 1216, with

SCS

25. HCS for HB 1425, with

SCS (House)

26. HB 1406-Barnett, with

SCS (Klindt)

27. HS for HCS for HBs

1654 & 1156-Hosmer,

with SCS (Caskey)

(In Budget Control)

28. HS for HCS for HB

1650-Hoppe, with SCS

(In Budget Control)

29. HCS for HB 1143, with

SCS

(In Budget Control)

30. HB 1869-Barry (Klarich)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al,

with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al,

with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al,

with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS, SS

for SCS & SA 3 (pending)

SB 1087-Gibbons, et al,

with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,

with SS and SA 3 (pending)

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending) HOUSE BILLS ON THIRD READING

HB 1041-Myers, with SCS &

SS for SCS (pending)

(Childers)

SS for SCS for HBs 1270 &

2032-Gratz (Westfall)

(In Budget Control)

HB 1348-Myers, et al,
with SCS, SS for SCS,
SA 2, SSA 1 for SA 2 &
point of order (pending) (Foster)
HB 1600-Treadway, with SS
& SA 3 (pending) (Mathewson)
HS for HB 1994-Hosmer,
with SA 1 & SA 2 to
Part I of SA 1 (pending)
(Bentley)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,

with SCS (pending) (Coleman)

HB 1085-Mays (50) (Quick)

HBs 1141, 1400, 1645, 1745

& 2026-Naeger, with SCS (Yeckel)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SCS for SB 712-Singleton

and Sims, with HS for

HCS, as amended

SCS for SB 810-Dougherty,

with HS for HCS, as amended

SB 895-Yeckel and Gross,

with HS for HCS, as amended

SS for SS for SCS for SBs

970, 968, 921, 867, 868

& 738-Westfall, with HS

for HCS, as amended

SCS for SB 1212-Mathewson,

with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 758-Bentley, with HCS

SB 795-Schneider, with HCS

(CCR Offered)

SCS for SBs 1086 & 1126-

DePasco & Quick, with HCS

SCS for SB 1202-Westfall,

with HCS

SB 1220-Sims, with HS, as

amended

SS for SB 1248-Mathewson,

with HS for HCS, as amended

HCS for HB 1101, with SCS

(Russell)

HCS for HB 1102, with SCS,

as amended (Russell)

HCS for HB 1103, with SCS,

as amended (Russell)

HCS for HB 1104, with SCS,

as amended (Russell)

HCS for HB 1105, with SCS

(Russell)

HCS for HB 1106, with SCS

(Russell)

HCS for HB 1107, with SCS,

as amended (Russell)

HCS for HB 1108, with SCS

(Russell)

HCS for HB 1109, with SCS

(Russell)

HCS for HB 1110, with SCS

(Russell)

HCS for HB 1111, with SCS,

as amended (Russell)

HCS for HB 1112, with SCS

(Russell)

HB 1313-Burton, with SCS

(Foster)

HB 1712-Monaco, et al, with

SS for SCS, as amended

(Klarich)

HB 2120-Ridgeway and

Hosmer, with SCS (Gibbons) RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 24-Kreider (Westfall)

SCR 73-Bland

SCR 75-Singleton

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY--FRIDAY, MAY 10, 2002

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Senator Doyle Childers offered the following prayer:

Father, we gather today with the pressures of the final days of this session. This is an especially troubling day with a budget to complete and little time remaining to solve our differences. We ask for Your guidance as we go through the day. We also ask for Your grace on our members who suffer illness and for the wife of our pastor. All these things we ask in the name of Jesus Your Son. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator DePasco--1			

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 1733, regarding Ruth Wiemann, New Haven, which was adopted.

Senator Dougherty, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1734

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of St. Louis fire Captain Robert Bruce "Rob" Morrison, who passed to his eternal reward on May 4, 2002; and

WHEREAS, Captain Morrison, along with fellow fire Captain Derek Duval Martin, died from injuries he sustained while trying to rescue a

trapped firefighter in a blaze at the Gravois Refrigeration Company on May 3; and

WHEREAS, Robert Bruce Morrison came into this world in Tawas City, Michigan, on March 15, 1964, as the fourth of five children born to proud and loving parents Robert E. and Barbara LauBach Morrison, who welcomed him into their hearts as a precious gift from God; and

WHEREAS, a graduate of Lutheran South High School in Houston, Texas, Rob Morrison attended St. John's College in Winfield, Kansas, on a soccer scholarship, and earned his Bachelor of Science degree in Biology from Concordia College in Mequon, Wisconsin, where he met the love of his life, Laura Brewer, whom he later married on May 23, 1987; and

WHEREAS, Rob Morrison relocated to St. Louis in 1988, worked at Monsanto and Forest Hills Golf Course, and joined the St. Louis Fire Department in 1990, following in the footsteps of his wife's father and uncle; and

WHEREAS, on Monday, May 6, 2002, Chief Sherman George promoted Robert Morrison to Captain posthumously; and

WHEREAS, an avid golfer who loved water sports and taught at Word of Life Preschool where toddlers called him "Mr. Rob", Captain Morrison leaves behind to cherish his memory his devoted wife of fourteen years, Laura Morrison of St. Louis; his two children, Matthew Robert and Megan Lorelei Morrison; his parents, Robert and Barbara Warren of Albuquerque, New Mexico; his sister, Laura Farrisall of Albuquerque, New Mexico; and his four brothers, Scott Morrison of Houston, Texas, Peter Morrison and James Morrison, both of Albuquerque, New Mexico, and Greg Christensen of Traverse City, Michigan:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in paying final tribute to Robert Morrison, a remarkable gentleman whose love for life and commitment to the welfare of those he vowed to serve and protect will be sadly missed by all those who had the rare privilege of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late Robert Bruce Morrison, as an expression of our deepest sympathy to his family, friends, and comrades.

Senator Dougherty, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1735

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of St. Louis fire Captain Derek Duval Martin, who lost his life in the line of duty on May 3, 2002; and

WHEREAS, Captain Martin, along with fellow fire Captain Robert Morrison, died while trying to rescue a trapped firefighter in a blaze at the Gravois Refrigeration Company; and

WHEREAS, born in southeast Missouri on April 7, 1964, Captain Martin was raised in St. Louis where he attended the old O'Fallon Technical High School before dutifully serving his country in the United States Army and going on to become a state corrections officer with assignments in both Jefferson City and St. Louis; and

WHEREAS, Captain Martin joined the St. Louis Fire Department in 1990, and was later assigned to Engine House No. 1, and Rescue Squad No. 1; and

WHEREAS, baptized in the Methodist Church as an infant, Captain Martin was a devout member of Mercy Seat Baptist Church in St. Louis, where he attended Sunday School and Bible classes and glorified the Lord as an usher and deacon; and

WHEREAS, on Monday, May 5, 2002, Chief Sherman George promoted Derek Duval Martin to Captain posthumously; and

WHEREAS, a tremendous family man who enjoyed spending time with his family and serving his church, Captain Martin leaves behind to cherish his memory his devoted wife of more than thirteen years, Angela Martin of St. Louis; his three children, Jordan, Denzel, and Kayla Martin; and his mother, Joyce Martin of St. Louis:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in paying final tribute to Derek Duval Martin, a remarkable gentleman whose love for life and commitment to the welfare of those he vowed to serve and protect will be sadly missed by all those who had the rare privilege of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late Derek Duval Martin, as an expression of our deepest sympathy to his family, friends, and comrades.

The Senate observed a moment of silence in memory of Captain Robert Morrison and Captain Derek Martin.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1736

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic processes of government:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session hereby grant the Missouri Catholic Conference permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on October 5, 2002, for the purposes of a citizens assembly and workshops.

Senator Schneider offered Senate Resolution No. 1737, regarding Café Natasha, University City, which was adopted.

PRIVILEGED MOTIONS

Senator Dougherty moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 810**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1141, introduced by Representative Naeger, **HB 1400**, introduced by Representatives Merideth, et al, **HB 1645**, introduced by Representative Griesheimer, **HB 1745**, introduced by Representative Koller and **HB 2026**, introduced by Representative Green (15), et al, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial bridge.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Henry Shaw Ozark Corridor.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the veterans memorial bridge.

Were called from the Consent Calendar and taken up by Senator Yeckel.

SCS for **HB 1141**, **HB 1400**, **HB 1645**, **HB 1745** and **HB 2026**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1141, 1400, 1645, 1745,

and 2026

An Act to amend chapters 10 and 227, RSMo, by adding thereto eight new sections relating to the designation of state entities.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 1141, HB 1400, HB 1645, HB 1745** and **HB 2026** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HB 1141, HB 1400, HB 1645, HB 1745** and **HB 2026** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Quick	Rohrbach	Schneider	Staples--4
Absent with leave--Senators			
DePasco	House--2		

The President Pro Tem declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Singleton moved that **SCR 75** be taken up for adoption, which motion prevailed.

On motion of Senator Singleton, **SCR 75** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Quick	Rohrbach	Staples--3	
Absent with leave--Senators			
DePasco	House--2		

Senator Bland moved that **SCR 73** be taken up for adoption, which motion prevailed.

On motion of Senator Bland, **SCR 73** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Quick	Rohrbach	Staples--3
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Absent with leave--Senators

DePasco	House--2
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Senator Klarich assumed the Chair.

PRIVILEGED MOTIONS

Senator Singleton moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 712**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1402, with **SCS**, was placed on the Informal Calendar.

HB 2023, with **SCA 1**, introduced by Representative Franklin, entitled:

An Act to repeal sections 162.961 and 162.962, RSMo, and to enact in lieu thereof two new sections relating to resolution conferences.

Was taken up by Senator Foster.

SCA 1 was taken up.

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Foster offered **SS** for **HB 2023**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 2023

An Act to repeal sections 162.670, 162.675, 162.961 and 162.962, RSMo, and to enact in lieu thereof four new sections relating to the appropriate educational placement of students.

Senator Foster moved that **SS** for **HB 2023** be adopted.

Senator Gross assumed the Chair.

Senator Coleman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 2023, Page 1, In the Title, Lines 4-5, by striking the words "appropriate educational placement of students" and inserting in lieu thereof the following: "discipline in public schools"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy, **bullying policy**, and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The **discipline** policy shall require school administrators to report acts of school violence to teachers and other school district employees with a need to know. For the purposes of this chapter or chapter 167, RSMo, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The **discipline** policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following felonies, or any act which if committed by an adult would be one of the following felonies:

- (1) First degree murder under section 565.020, RSMo;
- (2) Second degree murder under section 565.021, RSMo;
- (3) Kidnapping under section 565.110, RSMo;
- (4) First degree assault under section 565.050, RSMo;
- (5) Forcible rape under section 566.030, RSMo;
- (6) Forcible sodomy under section 566.060, RSMo;
- (7) Burglary in the first degree under section 569.160, RSMo;
- (8) Burglary in the second degree under section 569.170, RSMo;
- (9) Robbery in the first degree under section 569.020, RSMo;
- (10) Distribution of drugs under section 195.211, RSMo;
- (11) Distribution of drugs to a minor under section 195.212, RSMo;
- (12) Arson in the first degree under section 569.040, RSMo;
- (13) Voluntary manslaughter under section 565.023, RSMo;
- (14) Involuntary manslaughter under section 565.024, RSMo;

- (15) Second degree assault under section 565.060, RSMo;
- (16) Sexual assault under section 566.040, RSMo;
- (17) Felonious restraint under section 565.120, RSMo;
- (18) Property damage in the first degree under section 569.100, RSMo;
- (19) The possession of a weapon under chapter 571, RSMo;
- (20) Child molestation in the first degree pursuant to section 566.067, RSMo;
- (21) Deviate sexual assault pursuant to section 566.070, RSMo;
- (22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or
- (23) Sexual abuse pursuant to section 566.100, RSMo;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The **discipline** policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The **discipline** policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The discipline policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

- (1) The superintendent, or in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and
- (2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

4. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

5. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

6. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policy of discipline developed by each board under this section, or when reporting to his or her supervisor or other person as mandated by state law, acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the

board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

7. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. Acts of violence as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020, RSMo, to any school district in which the student subsequently attempts to enroll.

8. Spanking, when administered by certificated personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the division of family services shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to any spanking administered in a reasonable manner by any certificated school personnel pursuant to a written policy of discipline established by the board of education of the school district. Upon receipt of any reports of child abuse by the division of family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district, the division of family services shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the division of family services and take no further action. In all matters referred back to the division of family services, the division of family services shall treat the report in the same manner as other reports of alleged child abuse received by the division. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the division of family services is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the division of family services. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

- (1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that the evidence shows that no abuse occurred;
- (2) The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

9. The findings and conclusions of the school board shall be sent to the division of family services. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the division of family services' central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the division of family services unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

10. Any superintendent of schools, president of a school board or such person's designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

11. The local school board of each school district shall clearly establish a written policy prohibiting bullying by any student that shall be enforced uniformly, fairly, and consistently for all students. For the purposes of this section, bullying shall mean any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school bus stop, or at school activities or sanctioned events. The department of elementary and secondary education shall have the authority to promulgate any rules necessary to comply with the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 1** is out of order as the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Foster moved that **SS** for **HB 2023** be adopted, which motion prevailed.

On motion of Senator Foster, **SS** for **HB 2023** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Bentley	Bland--2		
Absent--Senators			
Mathewson	Schneider	Staples--3	

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1086, with **SCS**, was placed on the Informal Calendar.

HB 1926, introduced by Representative Fraser, et al, entitled:

An Act to repeal section 208.631, RSMo, and to enact in lieu thereof one new section relating to the extension of the termination date of the children's health program, with an emergency clause.

Was taken up by Senator Quick.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1926, Page 1, Section 208.631, Line 6, by deleting the word "who" on said line and inserting in lieu thereof the following: "whose parent or guardian"; and

Further amend said bill, page 1, Section 208.631, line 7, by inserting immediately after the word "to" and immediately prior to the word "employer-subsidized" on said line the word "affordable"; and

Further amend said bill, page and section, line 7, by inserting immediately after the word "coverage" on said line the words "for their children".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Quick, **HB 1926**, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 2** for **SCS**, as amended, for **HB 1446** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1101** and requests a further conference on **SCS** for **HCS** for **HB 1101**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1102**, as amended, and requests a further conference on **SCS** for **HCS** for **HB 1102**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1103**, as amended, and requests a further conference on **SCS** for **HCS** for **HB 1103**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1104**, as amended, and requests a further conference on **SCS** for **HCS** for **HB 1104**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1105** and requests a further conference on **SCS** for **HCS** for **HB 1105**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1106** and requests a further conference on **SCS** for **HCS** for **HB 1106**.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion refusing to grant further conference on **SCS** for **HCS** for **HB 1101** through **SCS** for **HCS** for **HB 1106**, which request was granted.

Senator Russell moved that the Senate refuse to grant the House a further conference on **SCS** for **HCS** for **HB 1101** through **SCS** for **HCS** for **HB 1106** and request the House to take up and adopt the Conference Committee Reports on **SCS** for **HCS** for **HB 1101** through **SCS** for **HCS** for **HB 1106** and take up and pass **CCS** for **SCS** for **HCS** for **HB 1101** through **CCS** for **SCS** for **HCS** for **HB 1106**, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Quick moved that **HB 1926**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 1926, Page 1, Section 208.631, Line 4, by deleting the number "2007" and insert in lieu thereof the number "2004"; and further amend said bill and section, page 2, line 10, by adding after the period on said line the following: "No person shall be eligible for such assistance if the parents or guardians have a net worth in excess of one hundred thousand dollars in total value".

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Gibbons, Quick, Sims and Stoll.

SA 2 failed of adoption by the following vote:

YEAS--Senators

Childers

Gibbons

Gross

Loudon

Rohrbach	Russell--6		
	NAYS--Senators		
Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Foster	Goode
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins--24
	Absent--Senators		
Singleton	Yeckel--2		
	Absent with leave--Senators		
DePasco	House--2		

Senator Dougherty offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend House Bill No. 1926, Page 1, Section 208.631, Line 6, by inserting after the word "age" the following: "who are emancipated and do not have access to affordable employer-subsidized health care insurance or other health care coverage or persons".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Bill No. 1926, Page 2, Section 208.631, Line 10, by adding at the end of said line the following:

"[208.660. Up to ten percent of any federal funds received pursuant to the provisions of Title XXI of the Social Security Act and up to ten percent of any state funds used to match those federal funds may be used for outreach through the division of medical services for children's health programs established through sections 208.631 to 208.657. The division of medical services may contract with local public health agencies for purposes of this section. The provisions of this section shall be subject to appropriations.];" and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **HB 1926** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins--29			
	NAYS--Senator Gibbons--1		
	Absent--Senators		
Singleton	Staples	Yeckel--3	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins--28
NAYS--Senator Gibbons--1			
Absent--Senators			
Quick	Singleton	Staples	Yeckel--4
Absent with leave--Senator DePasco--1			

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1107**, as amended, and requests a further conference on **SCS** for **HCS** for **HB 1107**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1108** and requests a further conference on **SCS** for **HCS** for **HB 1108**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1109** and requests a further conference on **SCS** for **HCS** for **HB 1109**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1110** and requests a further conference on **SCS** for **HCS** for **HB 1110**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt

Conference Committee Report on **SCS** for **HCS** for **HB 1111**, as amended, and requests a further conference on **SCS** for **HCS** for **HB 1111**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1112** and requests a further conference on **SCS** for **HCS** for **HB 1112**.

Senator Singleton assumed the Chair.

Senator Gross assumed the Chair.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1107**, as amended, and request the House to adopt the Conference Committee Report and take up and pass **CCS** for **SCS** for **HCS** for **HB 1107**, as amended.

Senator Bland offered a substitute motion that the Senate grant the House a further conference on **SCS** for **HCS** for **HB 1107**, as amended, which motion failed.

Senator Russell moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1107**, as amended, and request the House to adopt the Conference Committee Report and take up and pass **CCS** for **SCS** for **HCS** for **HB 1107**, as amended, which motion prevailed.

Senator Russell moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1108**, and request the House to adopt the Conference Committee Report and take up and pass **CCS** for **SCS** for **HCS** for **HB 1108**, which motion prevailed.

Senator Russell moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1109**, and request the House to adopt the Conference Committee Report and take up and pass **CCS** for **SCS** for **HCS** for **HB 1109**, which motion prevailed.

Senator Russell moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1110**, and request the House to adopt the Conference Committee Report and take up and pass **CCS** for **SCS** for **HCS** for **HB 1110**, which motion prevailed.

Senator Russell moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1111**, as amended, and request the House to adopt the Conference Committee Report and take up and pass **CCS** for **SCS** for **HCS** for **HB 1111**, as amended.

Senator Dougherty offered a substitute motion that the Senate grant the House further conference on **SCS** for **HCS** for **HB 1111**, as amended, which motion failed.

Senator Russell moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1111**, as amended, and request the House to adopt the Conference Committee Report and take up and pass **CCS** for **SCS** for **HCS** for **HB 1111**, as amended, which motion prevailed.

Senator Russell moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1112**, and request the House to adopt the Conference Committee Report and take up and pass **CCS** for **SCS** for **HCS** for **HB 1112**, which motion prevailed.

On motion of Senator Kenney, the Senate recessed for 30 minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1101** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1101**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1102** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1102**.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate that the rules be suspended to reconsider in one vote, the votes by which the titling and perfecting motions and the third reading motion carried on **HCS** for **HB 1120**, which request was granted.

Having voted on the prevailing side, Senator Russell moved that the vote to lay on the table the motion to reconsider the vote by which House Committee Substitute for House Bill No. 1120 passed; the vote by which the title was agreed to, and the vote by which the bill was third read and finally passed be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Mathewson	Quick--4
Absent with leave--Senator DePasco--1			

At the request of Senator Russell, **HCS** for **HB 1120** was placed on the Informal Calendar.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1101**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1101

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1101 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1101.
- That the House recede from its position on House Committee Substitute for House Bill No. 1101.
- That the attached Conference Committee Substitute for House Bill 1101, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Dennis Bonner
/s/ Denny Merideth
/s/ Ken Legan
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators

Bland	Jacob	Quick--3
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Absent--Senators

Coleman	Mathewson--2
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Absent with leave--Senator DePasco--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1101**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1101An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
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Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators

Bland Jacob--2

Absent--Senators

Coleman Mathewson--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1102**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1102

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1102 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1102.
- That the House recede from its position on House Committee Substitute for House Bill No. 1102.
- That the attached Conference Committee Substitute for House Bill 1102, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Jim Kreider
/s/ Chuck Graham
/s/ Ken Legan
/s/ Charlie Shields

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
Johnson	Kennedy	Kenney	Kinder
Klindt	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--23	
	NAYS--Senators		
Bland	Dougherty	House	Jacob
Klarich	Loudon	Yeckel--7	
	Absent--Senators		
Coleman	Mathewson	Quick--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1102**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1102An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
Johnson	Kennedy	Kenney	Kinder
Klindt	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--23	
	NAYS--Senators		
Bland	Dougherty	House	Jacob
Klarich	Loudon	Quick	Yeckel--8
	Absent--Senators		
Coleman	Mathewson--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1103** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1103**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1104** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1104**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1105** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1105**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1106** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1106**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1103**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1103

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1103 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1103.
- That the House recede from its position on House Committee Substitute for House Bill No. 1103.
- That the attached Conference Committee Substitute for House Bill 1103, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Chuck Graham
/s/ Yvonne Wilson
/s/ Charlie Shields

/s/ Harry Wiggins

/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
	NAYS--Senators		
Bland	Caskey	Dougherty	Jacob
Kennedy	Loudon	Quick--7	
	Absent--Senators		
Coleman	Mathewson--2		
	Absent with leave--Senator DePasco--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1103**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1103An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators		
Bland	Caskey	Dougherty	Jacob
Loudon	Quick--6		
	Absent--Senator Coleman--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1104**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1104

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1104 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1104.
- That the House recede from its position on House Committee Substitute for House Bill No. 1104.
- That the attached Conference Committee Substitute for House Bill 1104, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Dennis Bonner
Joan Bray
/s/ Ken Legan
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Bland	Caskey	Dougherty	Jacob
Kennedy	Quick--6		

Absent--Senator Coleman--1

Absent with leave--Senator DePasco--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1104**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1104

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Bland	Caskey	Dougherty	Jacob
Kennedy	Quick--6		

Absent--Senator Coleman--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1105**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1105

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1105 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1105.

- That the House recede from its position on House Committee Substitute for House Bill No. 1105.
- That the attached Conference Committee Substitute for House Bill 1105, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
 /s/ Larry Rohrbach
 /s/ Morris Westfall
 /s/ Wayne Goode
 /s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
 /s/ Yvonne S. Wilson
 /s/ Dennis Bonner
 /s/ Ken Legan
 /s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Bland	Caskey	Dougherty	Jacob
Klindt	Quick--6		

Absent--Senator Coleman-- 1

Absent with leave--Senator DePasco-- 1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1105**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1105

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

	NAYS--Senators		
Bland	Caskey	Dougherty	Jacob
Klindt	Quick--6		
	Absent--Senator Coleman--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1106** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1106

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1106 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1106.
- That the House recede from its position on House Committee Substitute for House Bill No. 1106.
- That the attached Conference Committee Substitute for House Bill 1106, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Yvonne S. Wilson
/s/ Bill Ransdall
/s/ Ken Legan
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Childers	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators		

Bland	Caskey	Cauthorn	Dougherty
Jacob	Klindt	Quick--7	
	Absent--Senator Coleman--1		
	Absent with leave--Senator DePasco--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1106**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1106

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators		
Bland	Caskey	Jacob	Klindt
Quick--5			
	Absent--Senators		
Coleman	Dougherty	Singleton--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1107** and has taken up and passed **CCS** for **SCS**

for **HCS** for **HB 1107**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1108** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1108**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1109** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1109**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1107**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1107

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1107 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1107.
- That the House recede from its position on House Committee Substitute for House Bill No. 1107.
- That the attached Conference Committee Substitute for House Bill 1107, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Yvonne S. Wilson
/s/ Bill Ransdall
/s/ Ken Legan
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Cauthorn	Childers	Foster
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24

	NAYS--Senators		
Bland	Caskey	Dougherty	Gibbons
Jacob	Loudon	Quick--7	
	Absent--Senators		
Coleman	Singleton--2		
	Absent with leave--Senator DePasco--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1107**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 1107

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Cauthorn	Childers	Foster
Goode	Gross	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
	NAYS--Senators		
Bland	Caskey	Dougherty	Gibbons
House	Jacob	Loudon	Quick--8
	Absent--Senator Coleman--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1108**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1108

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1108 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1108.
- That the House recede from its position on House Committee Substitute for House Bill No. 1108.
- That the attached Conference Committee Substitute for House Bill 1108, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Yvonne S. Wilson
/s/ Glenda Kelly
/s/ Ken Legan
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Bland	Caskey	Dougherty	House
Jacob	Quick--6		

Absent--Senator Coleman--1

Absent with leave--Senator DePasco--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1108**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 1108

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Bland	Caskey	Dougherty	House
Jacob	Quick--6		
	Absent--Senator Coleman--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1109**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1109

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1109 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1109.
- That the House recede from its position on House Committee Substitute for House Bill No. 1109.
- That the attached Conference Committee Substitute for House Bill 1109, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Glenda Kelly
/s/ Yvonne S. Wilson
/s/ Ken Legan
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--25			

	NAYS--Senators		
Bland	Caskey	Dougherty	House
Jacob	Quick	Yeckel--7	
	Absent--Senator Coleman--1		
	Absent with leave--Senator DePasco--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1109**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 1109

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Cauthorn	Childers	Gibbons
Goode	Gross	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins--24
	NAYS--Senators		
Bland	Caskey	Dougherty	House
Jacob	Quick	Yeckel--7	
	Absent--Senators		
Coleman	Foster--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1110** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1110**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1110**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1110

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1110 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1110.
- That the House recede from its position on House Committee Substitute for House Bill No. 1110.
- That the attached Conference Committee Substitute for House Bill 1110, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Vicky Riback Wilson
/s/ Marsha Campbell
/s/ Charlie Shields
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Gibbons
Goode	Gross	House	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

NAYS--Senators

Bland	Caskey	Dougherty	Foster
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Jacob--5

	Absent--Senators	
Coleman	Johnson	Quick--3
	Absent with leave--Senator DePasco--1	

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1110**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 1110

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Bland	Caskey	Dougherty	Jacob--4
	Absent--Senators		
Coleman	Quick--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Yeckel moved that the Senate refuse to concur in **HS** for **HCS** for **SB 895**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Bentley moved that the conferees on **HCS** for **SB 758** be allowed to exceed the differences, which motion prevailed.

Senator Kennedy moved that the Senate refuse to recede from its position on **SS No. 2** for **SCS** for **HB 1446**, as amended, and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1111** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1111**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1111**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1111

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1111 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1111.
- That the House recede from its position on House Committee Substitute for House Bill No. 1111.
- That the attached Conference Committee Substitute for House Bill 1111, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Charles Q. Troupe
/s/ Marsha Campbell
/s/ Pat Naeger
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Childers	Gibbons	Goode
Gross	Johnson	Kennedy	Kenney
Kinder	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--19	
NAYS--Senators			
Bland	Caskey	Cauthorn	Dougherty
Foster	House	Jacob	Klarich
Klindt	Loudon	Steelman	Stoll--12
Absent--Senators			
Coleman	Quick--2		
Absent with leave--Senator DePasco--1			

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1111**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 1111

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Cauthorn	Childers	Gibbons
Goode	Gross	Johnson	Kennedy
Kenney	Kinder	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--22		
	NAYS--Senators		
Bland	Caskey	Dougherty	Foster
House	Jacob	Klarich	Klindt
Stoll--9			
	Absent--Senators		
Coleman	Quick--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1112** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1112**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1112**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1112

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1112 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1112.
- That the House recede from its position on House Committee Substitute for House Bill No. 1112.
- That the attached Conference Committee Substitute for House Bill 1112, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Dennis Bonner
/s/ Denny Merideth
/s/ Ken Legan
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Bland	Caskey	Dougherty	Jacob
Kennedy--5			

Absent--Senators

Coleman Quick--2

Absent with leave--Senator DePasco--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1112**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 1112

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Goode	Gross	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senators

Bland	Caskey	Dougherty	House
Jacob	Kennedy--6		

Absent--Senators

Coleman	Quick--2
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Russell moved that **HCS** for **HB 1120** be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Russell, **HCS** for **HB 1120** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators
Bland	Jacob--2
	Absent--Senators
Coleman	Quick--2
	Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **HB 1446**, as amended: Senators Kenney, Rohrbach, Klindt, Johnson and Wiggins.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1811** and has taken up and passed **SCS** for **HB 1811**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 1093, 1094, 1159, 1204, 1242, 1272, 1391, 1397, 1411, 1624, 1632, 1714, 1755, 1778, 1779, 1852, 1862, 2025** and **2123** and has taken up and passed **SCS** for **HB 1093, 1094, 1159, 1204, 1242, 1272, 1391, 1397, 1411, 1624, 1632, 1714, 1755, 1778, 1779, 1852, 1862, 2025** and **2123**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 1443** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1443**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1594**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto two new sections relating to state employees' pay.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 1712**, as amended.

Representatives: Monaco, Johnson (90), Willoughby, Richardson and Crowell.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 1202**. Representatives: Koller, Hollingsworth, Hampton, Byrd and Scott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1121** and has taken up and passed **SCS** for **HB 1121**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HB 2008** and has taken up and passed **SS** for **SCS** for **HB 2008**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HB 1953** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HCS** for **HJR 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 1399**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 1398**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 1689**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which were referred **SB 1085** and **SB 1262**, begs leave to report that it has considered the same and recommends that

the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1738, regarding Anne Kuhn, Macon, which was adopted.

Senator Kenney offered Senate Resolution No. 1739, regarding Chuck Owsley, Lee's Summit, which was adopted.

Senator Schneider offered Senate Resolution No. 1740, regarding the Honorable William M. Corrigan, Ballwin, which was adopted.

Senators Westfall and Rohrbach offered Senate Resolution No. 1741, regarding Susan Vaughn, Jefferson City, which was adopted.

On motion of Senator Kenney, the Senate adjourned until 10:30 a.m., Monday, May 13, 2002.

SENATE CALENDAR

SEVENTY-FIRST DAY-MONDAY, MAY 13, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 1594-Gratz

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and
Russell, with SCS

SBs 1085 & 1262-Yeckel
and Childers, with SCS

HOUSE BILLS ON THIRD READING

1. HB 2078-Clayton
(Rohrbach)

2. HS for HCS for HBs
1502 & 1821-
Luetkenhaus, with
SCS (Rohrbach)

3. HB 1196-Barnett, et al,
with SCS (Westfall)

4. HBs 1489 & 1850-Britt,
with SCS (Steelman)

5. HS for HCS for HB 1962-Monaco,
with SCS (Klarich)

6. HCS for HB 1817, with
SCS (Bentley)

7. HB 1773-Shelton and
Carnahan, with SCS (Coleman)
8. HS for HCS for HBs
1461 & 1470-Seigfreid,
with SCS (Yeckel)
9. HB 1748-Ransdall (Steelman)
10. HCS for HBs 1150, 1237
& 1327, with SCS (Gibbons)
11. HS for HB 1455-O'Toole,
with SCS (Gross)
12. HB 1508-Koller, with
SCS (Westfall)
13. HCS for HBs 1344 &
1944, with SCS (Caskey)
14. HB 1679-Crump, with
SCS & point of order (Sims)
15. HCS for HB 1898, with
SCS (Goode)
16. HCS for HB 1403, with
SCS (Foster)
17. HB 1988-Kelly (144)
18. HS for HCS for
HB 1906-Green (73),
with SCS (Kenney)
19. HS for HCS for HB
1756-Reid (Klarich)
20. HCS for HB 1216, with
SCS

21. HCS for HB 1425, with
SCS (House)

22. HB 1406-Barnett, with
SCS (Klindt)

23. HS for HCS for HBs
1654 & 1156-Hosmer,
with SCS (Caskey)
(In Budget Control)

24. HS for HCS for HB
1650-Hoppe, with SCS
(In Budget Control)

25. HCS for HB 1143, with
SCS (Kenney)
(In Budget Control)

26. HB 1869-Barry (Klarich)

27. HCS for HJR 47, with SCS

28. HS for HB 1399-
Ransdall (Yeckel)

29. HCS for HB 1398
(Yeckel)

30. HCS for HB 1689, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,
with SCS (pending)
SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al,

with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4

(pending)

SB 926-Kenney, et al, with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al, with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS, SS

for SCS & SA 3 (pending)

SB 1087-Gibbons, et al,

with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,

with SS and SA 3 (pending)

SB 1103-Westfall, et al,

with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1

(pending)

HOUSE BILLS ON THIRD READING

HB 1041-Myers, with SCS &

SS for SCS (pending)

(Childers)

HB 1086-Harlan, with SCS (House)

SS for SCS for HBs 1270 &

2032-Gratz (Westfall)

(In Budget Control)

HB 1348-Myers, et al,

with SCS, SS for SCS,

SA 2, SSA 1 for SA 2 &

point of order (pending)

(Foster)

HB 1402-Burton, et al,

with SCS (Steelman)

HB 1600-Treadway, with

SS & SA 3 (pending)

(Mathewson)

HS for HB 1994-Hosmer,

with SA 1 & SA 2 to

Part I of SA 1 (pending)

(Bentley)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,
with SCS (pending)
(Coleman)

HB 1085-Mays (50) (Quick)

HB 1643-Holand and Barry
(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SS for SS for SCS for SBs 970, 968,

921, 867, 868 & 738-Westfall,

with HS for HCS, as amended

SCS for SB 1212-Mathewson,

with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 758-Bentley, with HCS

SB 795-Schneider, with

HCS (CCR Offered)

SCS for SBs 1086 & 1126-

DePasco & Quick, with HCS

SCS for SB 1202-Westfall,

with HCS

SB 1220-Sims, with HS, as amended

SS for SB 1248-Mathewson,

with HS for HCS, as amended

HB 1313-Burton, with SCS

(Foster)

HB 1446-Luetkenhaus, with

SS#2 for SCS, as amended

(Kenney)

HB 1712-Monaco, et al,

with SS for SCS, as

amended (Klarich)

HB 2120-Ridgeway and

Hosmer, with SCS (Gibbons)

Requests to Recede or Grant Conference

SCS for SB 712-Singleton

and Sims, with HS for

HCS, as amended

(Senate requests House

recede or grant conference)

SCS for SB 810-Dougherty,

with HS for HCS, as

amended

(Senate requests House

recede or grant conference)

SB 895-Yeckel and Gross,

with HS for HCS, as

amended

(Senate requests House

recede or grant conference)

HB 1953-Van Zandt, et al,

with SCS, as amended

(Singleton)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 24-Kreider (Westfall)

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIRST DAY--MONDAY, MAY 13, 2002

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"You are my helper and my deliverer, O Lord do not tarry." (Psalm 70:6)

Gracious God, we begin this last week of our session knowing full well that some of our efforts will fail and our bills will die and become extinct when the final gavel is struck. Mindful of that we ask for Your help to show us where our strength and energy needs to be applied so that the common good be served and our vows fulfilled and the people of Missouri faithfully served. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Kenney moved that the Senate Journal for Friday, May 10, 2002, be corrected on Page 1492, Column 1, Line 19, by deleting the name "Kennedy" and inserting in lieu thereof the name "Kenney", which motion prevailed.

The Journal for Friday, May 10, 2002, was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1742, regarding the Eightieth Birthday of Herbert Casteel, Carthage, which was adopted.

Senator Kennedy offered Senate Resolution No. 1743, regarding Megan Clark, which was adopted.

Senator Staples offered Senate Resolution No. 1744, regarding J.C. Morrow, Corning, Arkansas, which was adopted.

Senator Staples offered Senate Resolution No. 1745, regarding Carmen L. Jackson, Naylor, which was adopted.

Senator Staples offered Senate Resolution No. 1746, regarding Dr. Ray B. Puckett, Jr., Bellevue, which was adopted.

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1747

WHEREAS, the members of the Missouri Senate are always willing to applaud a group of citizens for their willingness to do charitable works, it is even a greater pleasure when it involves a group of people close to them; and

WHEREAS, on Wednesday, May 8, 2002, the Senate "Family" participated in a bowling tournament to benefit the American Cancer Society's RELAY FOR LIFE WALK to be held on June 7 and 8, 2002; and

WHEREAS, it is with great pride and pleasure that we announce that the Senate team, the "Senate Pedes" raised \$2,855.00 at the bowling tournament; and

WHEREAS, there were a few "special moments" that needed to be mentioned, like the fact that even with lane troubles, the Braggadocio Budget Busters and the Bill Killers teams displayed much patience and continued to have a lot of fun despite their delay. Also, when faced with a HUGE distraction of folks "dancing down the lanes", Ben Jones was still able to concentrate and get a strike; and

WHEREAS, even though there wasn't a competition for Best Dressed Team, the team captained by the Senator from Butler, the MST team, consisting of Senator Bill Foster, Irene Murray, Cara Stauffer, Wayne Presley and Mike Wood won hands down;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations and daily activities to thank the Senate Pedes team and to thank all that participated in the Bowling Tournament and to wish "our" team good luck in their continued efforts to raise funds for such a worthy cause.

Senator Gross offered Senate Resolution No. 1748, regarding Clayton Graham, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1749, regarding Michael LaBozzetta, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1750, regarding Douglas R. Peterson, Jr., St. Charles, which was adopted.

Senator Caskey offered Senate Resolution No. 1751, regarding the Fifty-First Birthday of John L. Barrett, Houston, Texas, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1402, with **SCS**, introduced by Representative Mays (50), et al, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the rights of a political subdivision to use their telecommunications services or facilities.

Was called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HB 1402**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1402

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof two new sections relating to the rights of a political subdivision to use their telecommunications services or facilities.

Was taken up.

Senator Gibbons assumed the Chair.

Senator Steelman moved that SCS for **HB 1402** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1402, Page 4, Section 392.410, Line 77, by inserting after all of said line the following:

"Section 1. Notwithstanding any provisions of law to the contrary, any utility unit, as defined in Title IV of the federal Clean Air Act, 42 U.S.C. Section 7851a, that uses coal-fired cyclone boilers which also burn tire derived fuel shall limit emissions of oxides of nitrogen to a rate no greater than eighty percent of the emission limit for cyclone-fired boilers in Title IV of the federal Clean Air Act and implementing regulations in 40 CFR Part 76, as amended. The provisions of this section shall expire on April 30, 2004, or upon the effective date of a revision to 10 CSR 10-6.350, whichever later occurs. The director of the department of natural resources shall notify the revisor of statutes of the effective date of a revision to 10 CSR 10-6.350."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1402, Page 1, In the Title, Line 4, by inserting immediately after the word "facilities" the following: ", with an expiration date"; and

Further amend said bill, Page 4, Section 392.410, Line 77, by inserting after all of said line the following:

"Section B. The provisions of this act shall expire August 28, 2007."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1402, Page 1, Section 71.970, Line 1, by inserting immediately after the numeral "71.970" the following: **"1.";** and further amend line 8, by inserting after all of said line the following:

"2. The public service commission shall annually study the economic impact of the provisions of this section and prepare and submit a report to the general assembly by December thirty-first of each year."; and

Further amend said bill, Page 4, Section 392.410, Line 77, by inserting after all of said line the following:

"8. The public service commission shall annually study the economic impact of the provisions of this section and prepare and submit a report to the general assembly by December thirty-first of each year.".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1402, Page 1, In the Title, Lines 3-4, by striking said lines and inserting in lieu thereof the following: "relating to utility projects, with an emergency clause for certain sections."; and

Further amend said bill, Page 4, Section 392.410, Line 77, by inserting after all of said line the following:

"393.310. 1. This section shall only apply to gas corporations as defined in section 386.020, RSMo. This section shall not affect any existing laws and shall only apply to the program established pursuant to this section.

2. As used in this section, the following terms mean:

(1) "Aggregate", the combination of natural gas requirements of eligible school entities on a Missouri gas corporation's delivery system and by interstate pipelines for the purpose of jointly purchasing natural gas supply;

(2) "Bundled charge", the total price paid by the eligible school entity for natural gas as delivered into the distribution system;

(3) "Commission", the Missouri public service commission;

(4) "Delivery system", the natural gas distribution and transmission lines which are owned by a Missouri gas corporation and charges for use of them are regulated by the commission;

(5) "Earnings neutrality", setting the aggregation charge so that the revenues generated by the aggregation charge equal, as nearly as possible, the incremental costs caused by the experimental aggregation program;

(6) "Eligible school entity", shall include any seven-director, urban or metropolitan school district as defined pursuant to section 160.011, RSMo, and shall also include, one year after the effective date of this section and thereafter, any school for elementary or secondary education situated in this state, whether a charter, private, or parochial school or school district;

(7) "Energy seller", the entity that uses the delivery system of a gas corporation for delivery of natural gas supply from an interstate pipeline to the gas corporation's meter for use by a school or school district;

(8) "Interstate pipeline", a natural gas pipeline which delivers natural gas supply from outside the state to a Missouri gas corporation's system and which is price regulated by the Federal Energy Regulatory Commission;

(9) "Intrastate pipeline", a natural gas pipeline which delivers natural gas supply from inside the state to a Missouri gas corporation's system and which is price regulated by the commission.

3. Each Missouri gas corporation shall file, by August 1, 2002, a set of experimental small volume transportation schedules or tariffs applicable the first year to public school districts and applicable to all school districts, whether charter, private, public, or parochial, thereafter.

4. The schedules or tariffs required pursuant to subsection 3 of this section shall, at a minimum:

(1) Provide for aggregate purchasing of natural gas requirements for eligible school entities by and through a not-for-profit school association, as the principal contracting party, require energy sellers to register with the commission pursuant to subsection 8 of this section and to transfer title to the gas corporation of any natural gas for aggregate purchase, and require the not-for-profit school association to provide energy sellers with bundled charge information on a monthly basis so that the gas corporation can collect local gross receipts taxes;

(2) Establish small volume natural gas delivery charges which are equal to commission-approved gas corporation charges for general utility natural gas service, less the gas corporation's cost of purchased natural gas supply and interstate pipeline charges, plus an aggregation and monthly balancing charge not to exceed four-tenths of one cent per therm delivered;

(3) Provide eligible school entities with the option of contracting with their gas corporation for interstate pipeline capacity equal to each eligible school entity's aggregate requirements. Eligible school entities shall pay market prices to the gas corporation for use of contracted interstate pipeline capacity at prices consistent with prices that would be received when posted for release with the interstate pipeline;

(4) Not require telemetry or special metering, except for individual school meters over one hundred thousand therms annually for purposes of daily balancing on the distributor, when required by the pipeline system, provided that the gas corporation shall use its best efforts to minimize related costs;

(5) Require each gas corporation to provide to each eligible school entity or its designated agent, at least five weekdays prior to the beginning of each month, usage and heating-degree-day information for each school facility for the same month during the previous year, and any other information the gas corporation considers relevant; and

(6) Impose penalties only in accordance with gas corporation tariffs if the projected daily quantities of natural gas are not delivered to the distributor's delivery system. Such penalties shall not exceed the penalties approved by the commission in the gas corporation's large volume transportation tariffs.

5. The commission may suspend the schedules or tariffs as required pursuant to subsection 3 of this section for a period ending no later than November 1, 2002, to examine the assumptions and estimates used and to review and ensure compliance with the requirements of this section.

6. Prior to September 1, 2003, and prior to September first of each succeeding year, the not-for-profit school association which administers experimental aggregate natural gas purchasing shall report to the commission the number of participating eligible school entities, usage and gas cost savings of each entity. Within ninety days after the receipt of such report, the commission shall report to the president pro tempore of the senate and speaker of the house of representatives on the progress and public benefit of the experimental small volume natural gas aggregation provided in this section. The report shall contain such information as the commission determines is necessary to allow the general assembly to determine whether the program shall be extended in duration and applicability.

7. Prior to June 1, 2003, and prior to June first of each succeeding year, each gas corporation shall file with the commission the gas corporation's revenues from the aggregation administrative and monthly balancing charges and its costs which are a direct result of implementing experimental small volume transportation for eligible school entities. As needed from time to time, and notwithstanding the general prohibition on single-issue ratemaking, the commission shall determine the aggregation and monthly balancing charge to maintain earnings neutrality for the gas corporation.

8. (1) Any energy seller that will be transferring natural gas to a gas corporation pursuant to the tariff described in this section shall first register with the commission by filing a written statement of its intent to provide such natural gas and must maintain such registration in order to continue providing natural gas to the gas corporation pursuant to such tariff.

(2) An energy seller registering with the commission shall provide the following information and update such information when and as requested by the commission:

(a) Corporate name, address, and most recent annual report;

(b) Name and address of any affiliate of the applicant that is engaged in the provision of natural gas;

(c) A bond or other demonstration of financial capability to satisfy potential claims or expenses that can reasonably be anticipated to occur as part of the applicant's operations under its certificate, including a failure to honor contractual commitments. The adequacy of the bond or demonstration shall be determined by the commission from time to time;

(d) A description of the applicant's technical, financial, and managerial resources and abilities to comply with all applicable federal, state, regional, and industry statutes, rules, policies, practices, and procedures for the provision of natural gas; and

(e) Evidence that the applicant has an office in this state and an agent for service of process.

9. The commission may adopt by order such other procedures not inconsistent with this section which the commission determines are reasonable or necessary to administer the experimental program. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

10. This section shall terminate June 30, 2005.

393.700. Sections 393.700 to 393.770 [and section 386.025, RSMo,] shall be known as the "Joint Municipal Utility Commission Act".

393.705. As used in sections 393.700 to 393.770 [and sections 386.025, RSMo, and 393.295], the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other obligations of a commission issued pursuant to sections 393.700 to 393.770 [and sections 386.025, RSMo, and 393.295];

(2) "Commission", any joint municipal utility commission established by a joint contract [under] **pursuant to** sections 393.700 to 393.770 [and sections 386.025, RSMo, and 393.295];

(3) "Contracting municipality", each municipality which is a party to a joint contract establishing a commission [under] **pursuant to** sections 393.700 to 393.770 [and sections 386.025, RSMo, and 393.295], a water supply district formed [under] **pursuant to** the provisions of chapter 247, RSMo, or a sewer district formed pursuant to the provisions of chapter 204, RSMo, or chapter 249, RSMo;

(4) "Joint contract", the contract entered into among or by and between two or more of the following contracting entities for the purpose of establishing a commission:

(a) Municipalities;

(b) Public water supply districts;

(c) Sewer districts;

(d) Nonprofit water companies; or

(e) Nonprofit sewer companies;

(5) "Person", a natural person, cooperative or private corporation, association, firm, partnership, or business trust of any nature whatsoever, organized and existing [under] **pursuant to** the laws of any state or of the United States and any municipality or other municipal corporation, governmental unit, or public corporation created under the laws of this state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof;

(6) "Project", the purchasing, construction, extending or improving of any revenue-producing water, sewage, gas or electric light works, heating or power plants, including all real and personal property of any nature whatsoever to be

used in connection therewith, together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission, distribution excluding retail sales, purchase, sale, exchange, transport and treatment of sewage or interchange of water, sewage, electric power and energy, or any interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such purposes.

393.715. 1. The general powers of a commission to the extent provided in section 393.710 [herein and subject to the provisions of section 393.765 herein] shall include the power to:

(1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by participation with electric cooperative associations, municipally owned or public utilities or acquire any interest in or any rights to capacity of a project, within or outside the state, and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of such project;

(2) Acquire, sell, distribute and process fuels necessary to the production of electric power and energy; provided, however, the commission shall not have the power or authority to erect, own, use or maintain a transmission line which is parallel or generally parallel to another transmission line in place within a distance of two miles, which serves the same general area sought to be served by the commission unless the public service commission finds that it is not feasible to utilize the transmission line which is in place;

(3) Acquire by purchase or lease, construct, install, and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization; provided, however, that a commission shall not sell or distribute water, at retail or wholesale, within the certificated area of a water corporation which is subject to the jurisdiction of the public service commission unless the sale or distribution of water is within the boundaries of a public water supply district or municipality which is a contracting municipality in the commission and the commission has obtained the approval of the public service commission prior to commencing such said sale or distribution of water;

(4) Acquire by purchase or lease, construct, install, and operate lagoons, pipelines, wells, pumping stations, sewage treatment plants and other facilities for the treatment and transportation of sewage and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization;

(5) Enter into operating, franchises, exchange, interchange, pooling, wheeling, transmission and other similar agreements with any person;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission;

(7) Employ agents and employees;

(8) Contract with any person, within or outside the state, for the construction of any project or for any interest therein or any right to capacity thereof, without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment of bonds, except to the extent and on such terms as its board of directors shall determine. Any contract entered into pursuant to this subdivision shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

(9) Purchase, sell, exchange, transmit, treat, dispose or distribute water, sewage, gas, heat or electric power and energy, or any by-product resulting therefrom, within and outside the state, in such amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person with respect to such purchase, sale, exchange, treatment, disposal or transmission, on such terms and for such period of time as its board of directors shall determine.

A commission may not sell or distribute water, gas, heat or power and energy, or sell sewage service at retail to

ultimate customers outside the boundary limits of its contracting municipalities except pursuant to subsection 2 or 3 of this section;

(10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein;

(11) Exercise the powers of eminent domain for public use as provided in chapter 523, RSMo, except that the power of eminent domain shall not be exercised against any electric cooperative association, municipally owned or public utility;

(12) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in section 27 of article VI of the Missouri Constitution;

(13) Sue and be sued in its own name;

(14) Have and use a corporate seal;

(15) Fix, maintain and revise fees, rates, rents and charges for functions, services, facilities or commodities provided by the commission;

(16) Make, and from time to time, amend and repeal, bylaws, rules and regulations not inconsistent with this section to carry into effect the powers and purposes of the commission;

(17) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the commission deems proper;

(18) Join organizations, membership in which is deemed by the board of directors to be beneficial to accomplishment of the commission's purposes;

(19) Exercise any other powers which are deemed necessary and convenient by the commission to effectuate the purposes of the commission; and

(20) Do and perform any acts and things authorized by this section under, through or by means of an agent or by contracts with any person.

2. When a municipality purchases a privately owned water utility and a commission is created pursuant to sections 393.700 to 393.770, the commission may continue to serve those locations previously receiving water from the private utility even though the location receives such service outside the geographical area of the municipalities forming the commission. New water service may be provided in such areas if the site to receive such service is located within one-fourth of a mile from a site serviced by the privately owned water utility.

3. When a commission created by any of the contracting entities listed in subdivision (4) of section 393.705 becomes a successor to any nonprofit water corporation, nonprofit sewer corporation or other nonprofit agency or entity organized to provide water or sewer service, the commission may continue to serve, as well as provide new service to, those locations and areas previously receiving water or sewer service from such nonprofit entity, regardless of whether or not such location receives such service outside the geographical service area of the contracting entities forming such commission; provided that such locations and areas previously receiving water and sewer service from such nonprofit entity are not located within:

(1) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;

(2) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or

(3) The certificated area of a water or sewer corporation that is subject to the jurisdiction of the public service commission.

393.725. 1. Bonds issued pursuant to sections 393.700 to 393.770 by a commission shall be payable, as to the principal and interest, solely from the net revenues derived by the commission from the operation of the commission's project or projects, after providing for the costs of operation and maintenance of the commission's project or projects, or from any other funds made available to the commission from sources other than from proceeds of taxation.

2. Each bond issued pursuant to the provisions of sections 393.700 to 393.770 shall contain a statement that such bond is not an indebtedness of the state, or of any political subdivision thereof, other than the joint municipal utility commission, or of the contracting municipalities, the contracting public water supply districts or the contracting sewer districts, but shall be special obligations of the commission only and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof, or of the contracting municipalities, contracting public water supply districts or contracting sewer districts is pledged to the payment of or the interest on such bonds. The bonds shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. Neither the members of the board of directors of a commission nor any person executing the bonds shall be liable personally on the bonds by reason of the lawful issuance thereof.

3. A commission, subject to the provisions of section 393.760, may from time to time issue its bonds in such principal amounts as it deems necessary to provide sufficient funds to purchase, construct, extend or improve a project, including the establishment or increase of reserves, interest accrued during construction of such project and for a period not exceeding one year after the completion of construction of such project, and the payment of all other costs or expenses of the commission incident to and necessary or convenient to carry out its corporate purposes and powers.

4. Bonds of a commission shall be authorized by resolution of the board of directors and may be issued under such resolution or under a trust indenture or other security instrument, as authorized by the resolution, in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon, registered or both, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places within or without the state, and be subject to such terms of redemption, with or without premium, as such resolution, trust indenture or other security instrument may provide, and without limitation by the provisions of any other law limiting amounts, maturities or interest rates.

5. The bonds shall be sold at public sale [and in the event of a rejection of all bids by the commission, the bonds may be sold] **or** at private sale as the commission may provide and at such price or prices as the commission shall determine [or for a joint municipal utility commission within a fifteen-county area being served with water from a lake constructed by the U.S. Army Corps of Engineers and located north of the Missouri River, if the commission determines it is in the best interest of the commission, at private sale. The reason or reasons why private sale is in the best interest of the people served shall be set forth in the order or resolution authorizing the private sale]. The decision of the commission shall be conclusive.

6. The bonds may be signed by manual or facsimile signatures as determined by resolution of the board. In case any of the officers whose signatures appear on any bonds or coupons shall cease to be such officers before the delivery of such obligations, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the officers had remained in office until such delivery.

7. Pending preparation of definitive bonds, a commission may issue temporary bonds which shall be exchanged for the definitive bonds when such bonds shall have been executed and are available for delivery.

8. All bonds issued under the provisions of sections 393.700 to 393.770 shall be negotiable instruments [under] **pursuant to** the provisions of the uniform commercial code of the state.

393.740. 1. All bonds issued pursuant to sections 393.700 to 393.770 and all income or interest thereon shall be exempt from all state taxes, except estate and transfer taxes.

2. All property, real and tangible personal, **except for properties acquired exclusively for water supply districts**, acquired by the bonds issued pursuant to sections 393.700 and 393.770 or otherwise acquired by a commission shall be subject to taxation for state, county, and municipal and other local purposes **only** to the same extent as [bridge and public utility companies under the provisions of sections 153.030, RSMo, and 138.420, RSMo, except for those properties acquired exclusively for water supply districts] **if such property was owned directly by each participating municipality in proportion to the percentage of each municipality's interest or participation in the facility or property.**

[386.025. Any joint municipal utility commission established by contract for the purpose of owning, operating, controlling or managing all or part of any gas or electric light works, heating or power plants, or gas or electrical production, distribution or transmission facilities shall be considered a gas corporation or electrical corporation, as the case may be, as those terms are defined in this chapter.]

[393.295. All provisions of this chapter and chapter 386, RSMo, concerning court proceedings and the jurisdiction, supervision, powers and duties of the public service commission with reference to gas corporations and electrical corporations, including, but not limiting by enumeration those provisions concerning supervision, investigations, complaints, hearings, reports, approval of certificates of franchises, granting of certificates, approval of issues of stocks, bonds, notes and other evidence of indebtedness, keeping of accounts, fixing of just and reasonable rates, which shall be based on costs associated with any property of such corporations, shall be and are hereby made fully applicable to any joint municipal utility commission which owns, operates, controls or manages all or part of any gas or electric light works, heating or power plants, electrical energy resources or gas or electrical production, distribution or transmission facilities in this state. Nothing contained herein, however, shall affect the rights, privileges or duties of existing corporations pursuant to this chapter, including the construction of facilities within an existing certificated area.]

[393.765. All provisions of chapters 386, RSMo, and 393 in reference to the jurisdiction, supervision, powers and duties of the public service commission with reference to gas and electrical corporations are hereby made applicable to any commission proposed to be created pursuant to sections 393.700 to 393.770 which commission proposes to own, operate, control or manage any gas or electrical light works, heating or power plant in this state, and such provisions shall have full application thereto.]

Section B. Because immediate action is necessary to authorize certain utility projects, the repeal of sections 386.025, 393.295 and 393.765, the repeal and reenactment of sections 393.700, 393.705, 393.715, 393.725 and 393.740, and the enactment of section 393.310, of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal of sections 386.025, 393.295 and 393.765, the repeal and reenactment of sections 393.700, 393.705, 393.715, 393.725 and 393.740, and the enactment of section 393.310 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Singleton assumed the Chair.

Senator Stoll offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 1402, Page 3, Section 392.410, Lines 64-65, by striking the following: "of the political subdivision and any additional geographic areas".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1402, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following: "relating to telecommunications"; and

Further amend said bill, Page 4, Section 392.410, Line 77, by inserting after said line the following:

"441.238. 1. For the purposes of this section, the following terms mean:

- (1) "Multiple dwelling unit", any residential structure that contains four or more separate residential units;**
- (2) "Owner", the record owner or owners, and the beneficial owner and owners when other than the record owner, of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, personal representative, trustee, lessee, agent, or any other person in control of a dwelling unit; and**
- (3) "Provider", a business that holds a certification of services authority to provide local exchange telecommunication service from the Missouri public service commission or a business that holds a cable franchise with a local governing body pursuant to 47 U.S.C. Section 541.**

2. An owner who has entered into an agreement with a provider to grant the provider an exclusive easement or an exclusive right to provide service to the owner's multiple dwelling units may, at the owner's option and without penalty, void the exclusivity provisions of the existing agreement if the owner intends to enter into an agreement with another provider who requests to serve the owner's multiple dwelling units. The owner may then negotiate an agreement with the requesting provider, provided that the subsequent agreements with the requesting provider and the incumbent provider do not place the owner in a worse position financially than the original agreement with the incumbent provider.

3. In no event shall an owner be mandated to allow a particular provider access to their property. However, should an owner decide to negotiate with a provider and if the requesting provider and the owner cannot agree on an appropriate rate of compensation or cannot determine the amount of compensation that is necessary to not place the owner in a worse position financially than the original agreement with the incumbent provider, an arbitrator shall be appointed to determine the appropriate level of compensation due to the owner. The arbitrator shall be an individual who is mutually agreeable to the parties or, if the parties cannot agree, the requesting provider may file a petition with the state circuit court to request that a judge appoint the arbitrator. The terms and conditions of the original agreement with the incumbent provider shall be made available to the arbitrator. The cost of such a petition and arbitrator shall be borne by the requesting provider.

4. After August 28, 2002, a provider and an owner shall not enter into any new agreement, renew any existing agreement, or add any multiple dwelling units to an existing agreement that gives the provider an exclusive easement or an exclusive right to provide service to the owner's multiple dwelling units.

5. Any provision of an existing agreement that grants a provider an exclusive easement or an exclusive right to provide service to an owner's multiple dwelling units shall expire five years from the date the agreement was executed or on April 1, 2005, whichever first occurs, unless the owner exclusively desires for the contract to continue for the existing length of said contract.

6. An owner shall not enter into an agreement, and a provider shall not enforce an agreement, that is designed to circumvent rules prescribed by the Federal Communications Commission with respect to cable home run wiring or inside wiring that is used to provide telecommunication services to tenants.

7. Nothing in this section shall limit the jurisdiction of the public service commission regarding private shared tenant services pursuant to section 392.520, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Gross raised the point of order that **SA 6** is out of order as the amendment goes beyond the scope and purpose of the legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kenney offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 1402, Page 1, Section 71.970, Line 8, by inserting after all of said line the following:

"182.825. As used in sections 182.825 and 182.827, the following terms mean:

(1) "Pornographic for minors", as that term is defined in section 573.010, RSMo;

(2) "Public access computer", a computer that is:

(a) Located in an elementary or secondary public school or public library;

(b) Frequently or regularly used directly by a minor; and

(c) Connected to any computer communication system.

182.827. 1. A public school that provides a public access computer shall do one or both of the following:

(1) Equip the computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors;

(2) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.

2. The department of elementary and secondary education shall establish rules and regulations for the enforcement of subsection 1 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. A public library that provides a public access computer shall do one or both of the following:

(1) Equip the computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors;

(2) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.

4. The secretary of state shall establish rules and regulations for the enforcement of subsection 3 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

5. Any public school board member, officer or employee, including library personnel, who willfully neglects or refuses to perform a duty imposed by this section shall be subject to the penalties imposed pursuant to section 162.091, RSMo.

6. A public school or public school board member, officer or employee, including library personnel; public library or public library board member, officer, employee or trustee that complies with subsection 1 or 3 of this section or an Internet service provider providing Internet connectivity to such public school or library in order to comply with this section shall not be criminally liable or liable for any damages that might arise from a minor gaining access to material that is pornographic for minors through the use of a public access computer that is owned or controlled by the public school or public library."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 1402, Page 4, Section 392.410, Line 77, by inserting after all of said line the following:

"393.143. Notwithstanding any provisions of sections 393.130 and 393.140 to the contrary, the commission shall have the authority and discretion for good cause shown, upon notice and after an on-the-record hearing, unless waived, to direct that sums representing unauthorized use charges, penalties, or refunds from interstate or intrastate pipeline, including interest on such sums, received by a gas corporation, as well as any penalties resulting from the violation of a gas corporation's tariffs, be allocated among ratepayers in such manner as the commission finds to be in the public interest. In no event shall the provisions of this section be construed to allow refunds to be made to persons other than those individuals whose income is no greater than two hundred percent of the federal poverty guidelines."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Goode, Jacob, Sims and Stoll.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Coleman	Goode
Jacob	Schneider	Wiggins--7	
NAYS--Senators			
Bentley	Cauthorn	Childers	Dougherty
Foster	Gibbons	Gross	House
Johnson	Kennedy	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Rohrbach	Sims	Singleton	Steelman
Stoll	Westfall	Yeckel--23	
	Absent--Senators		
Quick	Russell	Staples--3	
	Absent with leave--Senator DePasco--1		

Senator Childers offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 1402, Page 1, Section 71.970, Line 8, by adding after the "." on said line the following:

"386.887. 1. This section shall be known and may be cited as the "Consumer Clean Energy Act".

2. As used in this section, the following terms mean:

- (1) "Commission", the public service commission of the state of Missouri;**
- (2) "Customer-generator", a consumer of electric energy who purchases electric energy from a retail electric energy supplier and is the owner of a qualified net metering unit;**
- (3) "Local distribution system", facilities for the distribution of electric energy to the ultimate consumer thereof;**
- (4) "Net energy metering", a measurement of the difference between the electric energy supplied to a customer-generator by a retail electric supplier and the electric energy generated by a customer-generator that is delivered to a local distribution system at the same point of interconnection;**
- (5) "Qualified net metering unit", an electric generation unit which:**
 - (a) Is owned by a customer-generator;**
 - (b) Is a hydrogen fuel cell or is powered by sun, wind or biomass;**
 - (c) Has an electrical generating system with a capacity of not more than one hundred kilowatts;**
 - (d) Is located on the premises that are owned, operated, leased or otherwise controlled by the customer-generator;**
 - (e) Is interconnected and operates in parallel and in synchronization with a retail electric supplier; and**
 - (f) Is intended primarily to offset part or all of the customer-generator's own electrical requirements;**
- (6) "Retail electric supplier" or "supplier", any person that sells electric energy to the ultimate consumer thereof;**
- (7) "Value of electric energy", the total resulting from the application of the appropriate rates, which may be time of use rates at the option of the supplier, to the quantity of electric energy produced from qualified net metering units or to the quantity of electric energy sold to customer-generators.**

3. By August 28, 2003, each retail electric supplier shall adopt rates, charges, conditions and contract terms for the purchase from and the sale of electric energy to customer-generators. The commission, in consultation with the department and retail electric suppliers, shall develop a simple contract for such transactions and make it

available to eligible customer-generators and retail electric suppliers. Upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the purchase from the customer-generator may be by the wholesale generator. Any time of use or other rates charged for electric energy sold to customer-generators shall be the same as those made available to any other customers with the same net electric energy usage pattern including minimum bills and service availability charges. Rates for electric energy generated by the customer-generator from a qualified net generating unit and sold to the retail electric supplier or its wholesale generator shall be the avoided cost (time of use or non-time of use) of the generation used by the retail electric supplier to serve its other customers. Whenever a customer-generator with a qualified net generating unit uses any energy generation method entitled to eligibility under a minimum renewable energy generation requirement, the total amount of energy generated by that method shall be treated as generated by the generator providing electric energy to the retail electric supplier for purposes of such requirement. The wholesale generator, at the option of the retail electric supplier, shall receive credit for emissions avoided by the wholesale generator because of electric energy purchased by the wholesale generator or the retail electric supplier from a qualified net metering unit. If the supplier is required to file tariffs with the commission, the commission shall review the reasonableness of the charges provided in such tariffs.

4. Each retail electric supplier shall calculate the net energy measurement for a customer-generator in the following manner:

- (1) The retail electric supplier shall individually measure both the electric energy produced and the electric energy consumed by the customer-generator during each billing period using an electric metering capable of such function, either by a single meter capable of registering the flow of electricity in two directions or by using multiple meters;**
- (2) If the value of the electric energy supplied by the retail electric supplier exceeds the value of the electric energy delivered by the customer-generator to the retail electric supplier during a billing period, then the customer-generator shall be billed for the net value of the electric energy supplied by the retail electric supplier in accordance with the rates, terms and conditions established by the retail electric supplier for customer-generators; and**
- (3) If the value of the electric energy generated by the customer-generator exceeds the value of the electric energy supplied by the retail electric supplier, then the customer-generator:**
 - (a) Shall be billed for the appropriate customer charges for that billing period; and**
 - (b) Shall be credited for the excess value of the electric energy generated and supplied to the retail electric supplier during the billing period, with this credit appearing on the bill for the following billing period.**

5. A retail electric supplier shall not be required to provide net metering service with respect to additional customer-generators after the date during any calendar year on which the total generating capacity of all customer-generators with qualified net metering units served by that retail electric supplier is equal to or in excess of the lesser of ten thousand kilowatts or one-tenth of one percent of the capacity necessary to meet the company's aggregate customer peak demand for the preceding calendar year.

6. Each retail electric supplier shall maintain and make available to the public records of the total generating capacity of customer-generators of the supplier that are using net metering, the type of generating systems and energy source used by the electric generating systems which customer-generators use. Each such retail electric supplier shall notify the commission when the total generating capacity of such customer-generators is equal to or in excess of the lesser of ten thousand kilowatts or one-tenth of one percent of the capacity necessary to meet the company's aggregate customer peak demand for the preceding calendar year.

7. Each qualified net metering unit used by a customer-generator shall meet all applicable safety, performance, synchronization, interconnection and reliability standards established by the commission, the National Electrical Safety Code, National Electrical Code, the Institute of Electrical, Electronics Engineers, and Underwriters Laboratories. Each qualified net metering unit used by a customer-generator shall also meet all reasonable

standards and requirements established by the retail electric supplier to enhance employee, consumer and public safety and the reliability of electric service to the customer-generator and other consumers receiving electric service from the retail electric supplier. Each qualified net metering unit used by a customer-generator shall also comply with all applicable local building, electrical and safety codes. The customer-generator shall obtain liability insurance coverage in amounts and coverage as set by the commission by rule applicable to all qualified net metering units.

8. The cost of meeting the standards of subsection 7 of this section and any cost to install additional controls, to install additional metering, to perform or pay for additional tests or analysis of the effect of the operation of the qualified net metering unit on the local distribution system shall be paid by the customer-generator.

9. Applications by a customer-generator for interconnection to the distribution system shall include a copy of the plans and specifications for the qualified net metering unit for review and acceptance by the retail electric supplier. Prior to connection of the qualified net metering unit to the distribution system, the customer-generator will furnish the retail electric supplier a certification from a qualified professional electrician or engineer that the installation meets the requirements of subsection 7 of this section. Such applications shall be reviewed and responded to by the retail electric supplier within ninety days. If the application for interconnection is approved by the retail electric supplier, the retail electric supplier shall complete the interconnection within fifteen days if electric service already exists to the premises, unless a later date is mutually agreeable to both the customer-generator and the retail electric supplier.

10. The sale of qualified net metering units shall be subject to the provisions of sections 407.700 to 407.720, RSMo. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536, RSMo, rules regarding mandatory disclosures of information by sellers of qualified net metering units. Such rules shall as a minimum require disclosure of the standards of subsection 7 of this section and potential liability of the owner or operator of a qualified net metering unit to third persons for personal injury or property damage as a result of negligent operation of a qualified net metering unit. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that SCS for HB 1402, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, SCS for HB 1402, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Dougherty--1			
Absent--Senators			
Coleman	Kinder	Quick	Staples--4

Absent with leave--Senator DePasco-- 1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Dougherty-- 1			
Absent--Senators			
Coleman	Kinder	Quick	Staples--4
Absent with leave--Senator DePasco-- 1			

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 2078, introduced by Representative Clayton, entitled:

An Act to repeal sections 141.265, 142.027, 313.335, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law.

Was taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **HB 2078** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Mathewson	Quick	Russell	Staples--4
Absent with leave--Senator DePasco-- 1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Foster moved that **HB 1348**, with **SCS**, **SS** for **SCS**, **SSA 1** for **SA 2**, **SA 2** and the point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Goode, the pending point of order was withdrawn.

SSA 1 for **SA 2** was again taken up.

At the request of Senator Caskey, the above substitute amendment was withdrawn.

SA 2 was again taken up.

At the request of Senator Cauthorn, the above amendment was withdrawn.

At the request of Senator Foster, **SS** for **SCS** for **HB 1348** was withdrawn.

Senator Foster offered **SS No. 2** for **SCS** for **HB 1348**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1348

An Act to repeal sections 142.028, 254.020, 254.040, 261.110, 261.230, 261.235, 261.239, 263.531, 270.170, 275.464, 311.554, 348.430, 348.432, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893 and 414.032, RSMo, relating to agriculture, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions and a severability clause.

Senator Foster moved that **SS No. 2** for **SCS** for **HB 1348** be adopted.

At the request of Senator Foster, **HB 1348**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HCS** for **HB 1695**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HB 2023** and has taken up and passed **SS** for **HB 2023**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**

for **HS** for **HCS** for **HB 1532** and has taken up and passed **SCS** for **HS** for **HCS** for **HB 1532**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **HCS** for **SB 758** are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 810**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences dealing with the spend down issue.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 895**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 712**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 712**, as amended: Senators Singleton, Steelman, Gross, Caskey and Quick.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 810**, as amended: Senators Dougherty, Stoll, Bentley, Sims and Steelman.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Kenney, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rohrbach.

Photographers from the Associated Press, KOMU-TV and the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1502** and **1821**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Westfall, **HB 1196**, with **SCS**, was placed on the Informal Calendar.

HB 1489 and **HB 1850**, with **SCS**, were placed on the Informal Calendar.

HS for **HCS** for **HB 1962**, with **SCS**, was placed on the Informal Calendar.

Senator Foster moved that **HB 1348**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HB 1348** was again taken up.

At the request of Senator Foster, **HB 1348**, with **SCS** and **SS No. 2** for **SCS** (pending) was placed on the Informal Calendar.

Senator Childers assumed the Chair.

HB 1086, with **SCS**, introduced by Representative Harlan, entitled:

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the privacy of personal information of participants in the Missouri higher education savings program.

Was called from the Informal Calendar and taken up by Senator House.

SCS for **HB 1086**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1086

An Act to amend chapters 166 and 197, RSMo, by adding thereto two new sections relating to confidentiality of information held by certain governmental entities.

Was taken up.

Senator House moved that **SCS** for **HB 1086** be adopted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1086, Page 2, Section 197.150, Line 13, by inserting after all of said line the following:

"197.160. 1. As used in this section, the following terms mean:

(1) "Health carrier", the same as such term is defined in section 376.1350, RSMo;

(2) "Payment methodologies", how the units of service to be used as a basis for making payments are defined and the method of determining the specific payment amount per unit of service;

(3) "Public hospital", a hospital organized pursuant to section 81.190, RSMo, or section 82.240, RSMo, sections 96.150 to 96.228, RSMo, sections 205.160 to 205.379, RSMo, or sections 206.010 to 206.160, RSMo, and which received direct tax funding from the local jurisdiction in the previous fiscal year that was less than five percent of the hospital's gross revenues for that fiscal year;

- (4) "Public record", the same as such term is defined in subdivision (6) of section 610.010, RSMo;
- (5) "Related organization", an entity created by or affiliated with a public hospital, regardless of the degree of common control or governance with such hospital;
- (6) "Self-insured health plan", an employee health benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the federal Employment Retirement Income Security Act of 1974, as amended.

2. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, the governing body of a public hospital or a related organization of such hospital, or both, may close portions of records and meetings of the entity that it manages or controls if such portions of records and meetings pertain to:

- (1) The payment amounts and payment methodologies of its contract proposals to, and contracts with, a health carrier or a self-insured health plan. Information concerning the parties involved and the duration of such a contract shall be a public record;
- (2) Discussion and analysis of:
- (a) Developing a new health service or a new facility;
- (b) Expanding or revising an existing health service or facility; or
- (c) Entering into a shared service arrangement or other affiliate agreement;
- (3) The amount of compensation that will be or is being paid to a physician under the public hospital's or a related organization's contract proposals to, and contracts with, a physician. While the compensation amounts of such a contract proposal or contract may be closed, such compensation amounts shall be included in the public hospital's or related organization's overall financial statements and such statements shall be a public record;

3. The disclosure of records and meetings of a public hospital, other than those records and meetings which may be closed pursuant to this section, shall be governed by chapter 610, RSMo. This section shall not be construed to prohibit a public hospital from claiming the benefit of any other exemption to chapter 610, RSMo, pursuant to section 610.021, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SCS** for **HB 1086** is out of order as it exceeds the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

HB 1086 was taken up.

On motion of Senator House, **HB 1086** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Rohrbach

Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Gibbons	Loudon	Quick	Staples--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 1489 and **HB 1850**, with **SCS**, entitled respectively:

An Act to repeal sections 50.550, 143.782, 558.019 and 559.021, RSMo, and to enact in lieu thereof seven new sections relating to county crime reduction funds, with penalty provisions.

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to sheriff's charges.

Were called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HB 1489** and **HB 1850**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1489 AND

HOUSE BILL NO. 1850

An Act to repeal sections 50.550, 56.765, 57.280, 143.782, 488.5017, 558.019 and 559.021, RSMo, and to enact in lieu thereof eleven new sections relating to certain law enforcement funding, with penalty provisions.

Was taken up.

Senator Steelman moved that **SCS** for **HB 1489** and **HB 1850** be adopted.

Senator Steelman offered **SS** for **SCS** for **HB 1489** and **HB 1850**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1489

AND

HOUSE BILL NO. 1850

An Act to repeal sections 50.550, 56.765, 57.280, 143.782, 488.5017, 558.019 and 559.021, RSMo, and to enact in lieu thereof fourteen new sections relating to certain law enforcement funding, with penalty provisions.

Senator Steelman moved that SS for SCS for **HB 1489** and **HB 1850** be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Page 10, Section 57.280, Line 2, by inserting immediately after said line the following:

"67.584. 1. The governing body of any county of the first classification without a charter form of government with a population of greater than one hundred ninety-eight thousand inhabitants and less than one hundred ninety-eight thousand two hundred inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

"Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing law enforcement services for the county?"

Yes No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any

funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

Further amend said bill, page 24, Section 1, line 11, by inserting immediately after said line the following:

"Section B. Because of the need to increase revenue for prosecuting attorney's offices, section 67.584 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 67.584 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Page 2, Section 43.659, Line 27, by inserting after all of said line the following:

"49.272. 1. The county commission of any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such

rules, regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances."; and

Further amend said bill, Page 5, Section 50.555, Line 14, by inserting after all of said line the following:

"56.640. **1.** If a county counselor is appointed, he and his assistants under his direction shall represent the county and all departments, officers, institutions and agencies thereof, except as otherwise provided by law and shall upon request of any county department, officer, institution or agency for which legal counsel is otherwise provided by law, and upon the approval of the county commission, represent such department, officer, institution or agency. He shall commence, prosecute or defend, as the case may require, and exercise exclusive authority in all civil suits or actions in which the county or any county officer, commission or agency is a party, in his or its official capacity, he shall draw all contracts relating to the business of the county, he shall represent the county generally in all matters of civil law, and he shall upon request furnish written opinions to any county officer or department.

2. In all cases in which a civil fine may be imposed pursuant to section 49.272, RSMo, it shall be the duty of the county counselor, rather than the county prosecuting attorney, to prosecute such violations in the associate division of the circuit court in the county where the violation occurred.

3. Notwithstanding any law to the contrary, the county counselor in any county of the first classification and the prosecuting attorney of such county may by mutual cooperation agreement prosecute or defend any civil action which the prosecuting attorney or county counselor of the county is authorized or required by law to prosecute or defend."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Westfall assumed the Chair.

Senator Singleton offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Page 1, Section 43.653, Line 7 of said page, by striking the words "state highway patrol" and inserting in lieu thereof the words "**department of public safety**"; and further amend line 9 of said page, by striking the words "state highway patrol" and inserting in lieu thereof the words "**department of public safety**"; and

Further amend said bill, Page 2, Section 43.659, Line 15 of said page, by striking the words "state highway patrol" and inserting in lieu thereof the words "**department of public safety**".

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Singleton raised the point of order that **SCS** for **HB 1489** and **HB 1850** is out of order as it goes beyond the scope and intent of the original house bills.

Senator Singleton raised a second point of order that **SS** for **SCS** for **HB 1489** and **HB 1850** is out of order as it goes beyond the scope and intent of the original bill.

The points of order were referred to the President Pro Tem.

President Pro Tem Kinder ruled the point of order on the **SCS** not well taken.

President Pro Tem Kinder ruled the point of order on **SS** for **SCS** not well taken.

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Pages 2-4, Section 50.550, by striking said section from the bill; and

Further amend said bill, Pages 4-5, Section 50.555, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Pages 2-4, Section 50.550, by striking said section from the bill; and

Further amend said bill, Pages 4-5, Section 50.555, by striking said section from the bill; and

Further amend said bill, Pages 12-17, Section 558.019, by striking said section from the bill; and

Further amend said bill, Pages 17-19, Section 559.021, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **HB 1489** and **HB 1850**, with **SCS**, **SS** for **SCS**, **SA 4** and **SSA 1** for **SA 4** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1**, **SA 3**, **SA 4** to **HB 1926** and has taken up and passed **HB 1926**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 712**, as amended.
Representatives: O'Toole, Hosmer, Johnson (61), Ballard and Phillips.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 810**, as amended.
Representatives: Baker, Harlan, Graham, Portwood, Holand.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 895**, as amended.

Representatives: Liese, Monaco, Ward, Luetkemeyer and Wright.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SBs 915, 710 and 907**, entitled:

An Act to repeal sections 142.803, 144.020, 144.021, 144.440, 144.805, 155.080, 226.030, 226.134, 226.200, 226.585, 227.100, 302.341, 302.720, and 304.001, RSMo, section 304.157 as enacted by senate bill no. 17 of the first regular session of the ninetieth general assembly and section 304.157 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19 of the first regular session of the ninetieth general assembly, and to enact in lieu thereof sixty-six new sections relating to measures to increase funding for transportation, with a referendum clause, effective date and a contingent termination date for certain sections.

With House Amendments Nos. 1, 3, 4, 5, 6, 7, 8, 12, 13 and 15.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 18, Section 142.803, Line 17 of said page, by inserting after said line the following:

"3. In addition to the tax levied and imposed pursuant to subdivision (1) of subsection 1 of this section, an additional tax of three cents per gallon is hereby levied and imposed on motor fuel used or consumed in this state. The revenue derived from the additional tax of three cents per gallon imposed pursuant to this subsection shall be distributed and used as provided in article IV, section 30(a) of the Missouri Constitution. The additional tax imposed pursuant to this subsection is imposed upon the ultimate consumer, but is to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax. The additional revenue derived from the tax imposed by this subsection shall not be part of the total state revenue within the meaning of article X, sections 17 and 18 of the Missouri Constitution. The expenditure of this revenue shall not be an expense of state government pursuant to article X, section 20 of the Missouri Constitution. The additional tax imposed by this section shall expire on December 31, 2022."; and

Further amend said bill, Page 21, Section 144.020, Line 23 of said page, by inserting immediately after the word **"tax"** the following: **"of three-fourths"**; and

Further amend said bill, Page 22, Section 144.020, Line 4 of said page, by inserting immediately after the words **"equivalent to"** the following: **"three-fourths of"**; and

Further amend said bill, Page 22, Section 144.020, Line 10 of said page, by inserting immediately after the word **"additional"** the following: **"three-fourths of"**; and

Further amend said bill, Page 22, Section 144.020, Line 13 of said page, by inserting immediately after the word **"additional"** the following: **"three-fourths of"**; and

Further amend said bill, Page 22, Section 144.020, Line 17 of said page, by inserting immediately after the word **"additional"** the following: **"three-fourths of"**; and

Further amend said bill, Page 24, Section 144.021, Line 1 of said page, by deleting the words **"[four] five"** and inserting in lieu thereof the following: **"four and three-fourths"**; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 35, Section 226.201, Line 16, by deleting the word "shall" and inserting in lieu thereof the word "may"; and

Further amend said bill, Section 226.201, Line 23, by deleting the word "shall" and inserting in lieu thereof the word **"may"**.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 39, Section 227.100, Line 21, by inserting immediately after the word "or" and before the word "arising" the word **"controversy"**.

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710, and 907, Page 41, Section 233.298, Line 12 of said page, by inserting after all of said line the following:

"238.500. Sections 238.500 to 238.552 shall be known as the "Missouri Regional Transportation Development District Act".

238.502. 1. As used in sections 238.500 to 238.552, the following terms mean:

- (1) "Board", the board of directors of a district;**
- (2) "Commission", the Missouri state highways and transportation commission;**
- (3) "District", a regional transportation development district organized pursuant to sections 238.500 to 238.552;**
- (4) "Local transportation authority", a county, city, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake, or river port, airport, railroad, light rail, or other transit improvement or service;**
- (5) "Project" includes construction, renovation, preservation, operation, or maintenance of any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bike, or pedestrian improvement, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake, or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.**

2. For the purposes of article X, sections 11(c), 16, and 22 of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.500 to 238.552, the following terms shall have the meanings given:

- (1) "Approval of the required majority" or "direct voter approval", a simple majority;**
- (2) "Registered voters", persons qualified and registered to vote pursuant to chapter 115, RSMo.**

238.504. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain, and operate one or more projects or to assist in such activity.

2. A district is a political subdivision of the state.

238.506. 1. Whenever the creation of a district is desired, not less than fifty registered voters from a county or city not within a county may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county or city not within a county within the proposed district.

2. Alternatively, the governing body of any county or city not within a county may pass a petition allowing voters to decide upon creation of a district. The petition shall be filed in the circuit court of any county or city not within a county within the proposed district.

3. The proposed district area shall be contiguous and may contain one or more counties and a city not within a county. Property separated only by public streets shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence, and county of residence of each individual petitioner, or shall recite that the petitioner is the governing body of that city or county acting in its official capacity;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the transportation projects proposed to be undertaken by that district;

(4) The name of the proposed district;

(5) The number of members of the board of directors of the proposed district, which shall be three from each county or city not within a county within the proposed district;

(6) A statement that the terms of office of initial board members shall be staggered to expire in two, four, and six years;

(7) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters residing within the limits of the proposed district whether they will establish a regional transportation development district for funding transportation projects;

(8) A proposal for funding the district initially, pursuant to the authority granted in sections 238.500 to 238.552, together with a request that the funding proposal be submitted to the qualified voters residing within the limits of the proposed district.

238.508. 1. If the petition was filed by registered voters or by a governing body, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A POPULAR VOTE THE CREATION AND FUNDING OF A REGIONAL TRANSPORTATION DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a regional transportation development district by the name of "..... Regional Transportation

Development District" be formed for the purpose of funding the transportation projects. A copy of this petition is on file and available at the office of the clerk of the circuit court of County, located at, Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the regional transportation development district and requesting a declaratory judgment, as required by law, no later than the day of, 20... You may show cause, if any there be, why such petition is defective or proposed regional transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary, or special election as directed by this court.

..... Clerk of the Circuit Court of

..... County.

2. The circuit clerk shall also submit the same notice to the commission.

3. The circuit court may also order a public hearing on the question of the creation of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. If a public hearing is ordered, notice of the time, date, and place of the hearing shall also be given in the notice specified in this section.

238.510. 1. If the circuit court certifies the petition for voter approval, it shall call an election pursuant to section 238.512.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a regional transportation development district, to be known as the "..... Regional Transportation Development District" for the purpose of funding transportation projects and to have the power to fund the proposed projects upon voter approval by any or all of the following methods: sales tax, tolls, and bonds?

3. The results of the election shall be entered upon the records of the circuit court of the county or city not within a county in which the petition was filed. Also, a certified copy thereof shall be filed with the clerk of each county or city not within a county of the proposed district, who shall cause the same to be spread upon the records of the county commission or the city not within a county. If the results show that a majority of the votes cast by the qualified voters were in favor of organizing the regional transportation development district, the circuit court having jurisdiction of the matter shall declare the district organized. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall not be again submitted for voter approval for two years.

238.512. 1. Except as otherwise provided in section 238.516 with respect to the election of directors, in order to call any election required or allowed in sections 238.500 to 238.552, the circuit court shall order the clerk to cause the questions to appear on the ballot on the next regularly scheduled municipal, or state general, primary, or special election day, which date shall be the same in each county or city not within a county included within and voting upon the proposed district.

2. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the clerk of each county and city not within a county of the proposed district, who shall cause the same to be spread upon the records of the county commission and the city not within a county.

238.514. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized pursuant to sections 238.500 to 238.552, the petitioners may be reimbursed for such costs out of the revenues received by the district.

238.516. 1. At the time of the organizing election, three directors from each county or city not within a county shall be elected.

2. Candidates shall pay the sum of fifty dollars as a filing fee to the clerk of the county or city not within a county and shall file with the election authority of such county or city not within a county a statement under oath that the candidate possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

3. The director or directors to be elected shall be elected at large within the county or city not within a county.

The candidate receiving the most votes from qualified voters shall be elected to the position having the six-year term, the second highest total votes elected to the position having the four-year term, and the third highest total votes elected to the position having a two-year term. Each initial director shall serve the term to which the director was elected, and until a successor is duly elected and qualified. Each successor director shall serve a six-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

4. Each director shall be a resident of the district. Directors shall be registered voters at least twenty-one years of age.

238.518. 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. The board shall meet within thirty days after the election of the initial directors. The time and place of the first meeting of the board shall be designated by the court that heard the petition upon the court's own initiative or upon the petition of any interested person. At its first meeting and after each election of new board members the board shall elect a chair from its members.

3. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

6. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for actual and necessary expenditures in the performance of duties on behalf of the district.

238.520. 1. Before construction of any project to be merged into the state highways and transportation system, the district shall submit the proposed project, together with the proposed plans and specifications, to the commission for its prior approval of the project. If the commission by minute finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may approve the project subject to the district making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. Before construction of any project that is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the district shall submit the proposed project, together with proposed plans and specifications, to the local transportation authority for its prior approval. The local transportation authority may approve the project subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

238.522. 1. A district may use sales taxes, tolls, or bonds specifically authorized by sections 238.500 to 238.552 to fund a project.

2. At any time during the existence of the district the board may submit or resubmit a proposed funding method authorized by sections 238.500 to 238.552 for transportation projects to the qualified voters for

approval.

3. The district may by contract with the commission agree to send to the commission any revenue received by the district from any funding method authorized by sections 238.500 to 238.552. Such revenue and interest therefrom shall be deposited by the commission pursuant to section 227.180, RSMo, and applied by the commission to project costs, including debt service, on revenue bonds, or refunding bonds issued by the commission.

4. Revenue raised by the regional transportation development district shall provide additional funding for transportation projects and purposes. The commission shall not reduce funding from any source provided to the area covered by the regional transportation development district below the amount received in the fiscal year of the district's organization except when state or federal taxes or fees are reduced, in which case the reduction must not exceed the proportion of the tax or fee reduction. The commission shall increase funding in each fiscal year to the area covered by the regional transportation development district by at least the percent growth in all funding sources. Any and all federal funds designated by federal law, regulation, or appropriation to the area covered by the regional transportation development district must be passed through to the district in full.

5. The district may by contract with a local transportation authority agree to send the local transportation authority any revenue received by the district. The local transportation authority shall deposit such revenue in a special local trust account. Such revenue and interest therefrom shall be applied by the local transportation authority to project costs.

238.524. 1. Any transportation development district which consists of one or more counties or city not within a county, may by resolution impose a regional transportation development district sales tax on all retail sales made in such regional transportation development district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, for any transportation development purpose designated by the regional transportation development district in its ballot of submission to its qualified voters. No resolution enacted pursuant to the authority granted by this section shall be effective unless the board of directors of the regional transportation development district submits to the qualified voters of the regional transportation development district, at a municipal or state general, primary, or special election, a proposal to authorize the board of directors of the transportation development district to impose a sales tax or tolls pursuant to this section.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional transportation development district of (regional transportation development district's name) impose a regional transportation development district-wide sales tax at the rate of (insert amount) for a period of(insert number) years from the date on which such tax is first imposed for the purpose funding transportation projects?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the regional transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the regional transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. Within ten days after the adoption of any resolution in favor of the adoption of a regional transportation development district sales tax by the qualified voters of such regional transportation development district, the

regional transportation development district shall forward to the director of revenue, by United States registered mail or certified mail, a certified copy of the resolution of its board of directors. The resolution shall reflect the effective date thereof. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of such tax.

4. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together, and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

5. All revenue received by a regional transportation development district from the tax authorized by this section which has been designated for certain transportation purpose, less one percent to pay for the costs of collection deposited by the department of revenue in the state's general revenue fund, shall be deposited by the district in a special local trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to this section or if the tax authorized by this section is repealed pursuant to this section, all funds remaining in the special local trust fund shall continue to be used solely for such designated transportation purposes. Any funds in such special local trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other regional transportation development district funds.

6. The sales tax may be imposed at a rate of up to one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the regional transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to sections 144.010 to 144.525, RSMo, except such regional transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats, or outboard motors nor to public utilities. Any regional transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by the resolutions as authorized by this section, plus any amounts imposed pursuant to other provisions of law.

8. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, governing local sales taxes, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed in this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed in this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the regional transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the state sales tax laws for the collection of and for payment of

taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

9. If any regional transportation development district repeals the tax authorized by this section, the regional transportation development district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such regional transportation development district, the director of revenue shall remit the balance in the account to the regional transportation development district and close the account of that transportation development district. The director of revenue shall notify each regional transportation development district of each instance of any amount refunded or any check redeemed from receipts due the regional transportation development district.

10. (1) No regional transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed, or revenue bonds, notes, or other obligations which it has issued or which have been issued by the commission to finance any project or projects.

(2) Whenever the board of directors of any regional transportation development district in which a regional transportation development sales tax has been imposed pursuant to this section receives a petition, signed by ten percent of the qualified voters of such regional transportation development district calling for an election to repeal such sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed, or revenue bonds, notes, or other obligations which it has issued or which have been issued by the commission to finance any project or projects, submit to the voters of such regional transportation development district a proposal to repeal the sales tax imposed pursuant to this section at the next municipal, state general, primary, or special election. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the sales tax, then the resolution imposing the sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the sales tax, then the ordinance or resolution imposing the sales tax, along with any amendments thereto, shall remain in effect.

238.526. 1. If approved by a majority of the qualified voters voting on the question in the district, the district may charge and collect tolls or fees for the use of a transportation project. The board may charge a lower toll rate or fee than that amount approved by the district voters, and may increase that lower toll rate or fee to a level not exceeding the toll or fee rate ceiling without voter approval. Toll rates or fees for the use of the same project may vary at the election of the board, depending upon the type or nature of the user, or the type or nature of the use.

2. The ballot of submission shall be substantially in the following form:

Shall the Regional Transportation Development District be authorized to charge tolls or fees in amounts not to

exceed those given below:

Maximum Toll or Fee Toll or Fee Description (Insert amount) (Insert a brief description of the toll or fee, distinguishing it from other tolls or fees to be charged on the same project)(Insert amount) (Describe the next toll or fee charged) (Etc.) (Etc.) for the purpose of providing revenue to fund a project (or projects) in the district (insert general description of the project or projects, if necessary)?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. To construct a toll facility, a district may relocate an existing state highway or bridge, subject to approval by the commission, or an existing local public bridge, street, or road, subject to approval by the local transportation authority having control and jurisdiction over such street or road. A district shall not incorporate an existing free public bridge, street, road, or highway into a district project that will be subject to tolls.

238.528. A district may:

- (1) Contract and incur liabilities appropriate to accomplish its purposes;**
- (2) Lease or lease-purchase any real or personal property necessary or convenient for its purposes;**
- (3) Borrow money for its purposes at such rates of interest as the district may determine; and**
- (4) Issue bonds, notes, and other obligations, and may secure any of such obligations by mortgage, pledge, assignment, or deed of trust of any or all of the property and income of the district, subject to the restrictions provided in sections 238.500 to 238.552. The district shall not mortgage, pledge, or give a deed of trust on any real property or interests which it obtained by eminent domain. The district shall not mortgage, pledge, or give a deed of trust on any real property or interests which it acquired from the state of Missouri or any agency or political subdivision thereof without the written consent of the state, agency, or political subdivision from which it obtained the property.**

238.530. 1. A district may at any time authorize or issue revenue bonds for the purpose of paying all or any part of the cost of any project. Every issue of such bonds shall be payable out of the revenues of the district and may be further secured by other property of the district which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of twenty-five years, as the resolution shall specify. Such bonds shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide notwithstanding section 108.170, RSMo. The bonds may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

2. Any issue of district bonds outstanding may be refunded at any time by the district by issuing its refunding bonds in such amount as the district may deem necessary. Such bonds may not exceed the amount sufficient to refund the principal of the bonds so to be refunded together with any unpaid interest thereon and any premiums, commissions, service fees, and other expenses necessary to be paid in connection with the refunding. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds being refunded or by the exchange of the refunding bonds for the bonds being refunded with the consent of the holder or holders of the bonds being refunded. Refunding bonds may be issued regardless of

whether the bonds being refunded were issued in connection with the same project or a separate project and regardless of whether the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

3. If the proposed project is intended to be merged into the state highways and transportation system for future maintenance under the commission's jurisdiction, the district may contract with the commission to assist it in issuing district revenue bonds and refunding bonds. The district may also contract with the commission to issue commission revenue bonds and refunding bonds and to loan the proceeds thereof to the district. Such bonds shall be authorized by commission minute and shall be issued subject to conditions applicable to bonds issued by the district but as determined by the commission rather than the district.

4. Bonds issued pursuant to this section shall exclusively be the responsibility of the district payable solely out of district funds and property provided in sections 238.500 to 238.552 and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Neither the district nor the commission shall be obligated to pay such bonds with any funds other than those specifically pledged to repayment of the bonds. Any bonds issued by a district or the commission shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

5. Bonds issued pursuant to this section, the interest thereon, or any proceeds from such bonds shall be exempt from taxation in the state of Missouri for all purposes except the state estate tax.

238.532. The district may:

- (1) Purchase land or receive contributions of land and cash for project right-of-way;
- (2) Limit and control access from adjacent property to a district project; and
- (3) Sell and convey excess right-of-way for fair market value to any person or entity.

238.534. 1. The district may condemn lands for a project in the name of the state of Missouri as to the necessity for the taking of the description of the parcel and the interest taken in that parcel.

2. If condemnation becomes necessary the district shall act pursuant to chapter 523, RSMo, and may condemn a fee simple or other interest in land.

3. The district may, after prior notice to the owner to enter upon private property, survey and determine the most advantageous route and design. The district shall be liable for all damages done to the property by such inspection.

4. Any person who involuntarily transfers any interest in land to a district which becomes insolvent and comes under the jurisdiction of a court may reacquire that property by paying to the district the total amount of the condemnation award for that parcel, plus statutory interest at the statutory rate from the date of taking on the amount of that award, if the project will not be completed by either the district, the commission, or a local transportation authority.

5. Whenever a district undertakes any project which results in the acquisition of real property or in any person or persons being displaced from their homes, businesses, or farms, the district shall provide relocation assistance and make relocation payments to such displaced person and do such other acts and follow such procedures as would be necessary to comply with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

238.536. The district may contract with:

- (1) A federal agency, a state or its agencies and political subdivisions, the commission, a local transportation authority, a corporation, partnership, or individual regarding funding, promotion, planning, designing,

constructing, improving, maintaining, or operating a project or to assist in such activity; and

(2) The commission to transfer the project to the commission free of cost or encumbrance on such terms set forth by contract. The commission is authorized to adopt reasonable administrative rules relating to regional transportation development districts under chapter 536, RSMo;

(3) The local transportation authority to transfer the project to the local transportation authority free of cost or encumbrance on such terms set forth by contract.

238.538. In addition to all other powers granted by sections 238.500 to 238.552, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors. All contracts in excess of ten thousand dollars between the district and any private person, firm, or corporation shall be competitively bid and shall be awarded to the lowest and best bidder;

(3) To purchase any personal property necessary or convenient for its activities. All outright purchases of personal property in excess of ten thousand dollars between the district and any private person, firm, or corporation shall be competitively bid and shall be awarded to the lowest and best bidder;

(4) To collect and disburse funds for its activities; and

(5) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

238.540. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers, and its employees from any potential liability, and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project to obtain liability insurance having the district, its directors, and its employees as additional named insureds.

3. The district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.

238.542. The district may contract with the commission and local transportation authorities to obtain assistance in project funding, promotion, planning, design, right-of-way acquisition, relocation assistance services, construction, preservation, maintenance, and operation. The commission or any local transportation authority may charge the district a reasonable fee, not exceeding the actual cost of providing the service. The commission is authorized to adopt reasonable administrative rules relating to regional transportation development districts pursuant to chapter 536, RSMo. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

238.544. The state of Missouri, upon approval by an appropriate act of the general assembly, the commission, or a local transportation authority holding title to real estate, may give, grant, and convey to or for the use of a district such right-of-way or other easement in such real estate as may be necessary for the development of a project.

238.546. 1. For the purpose of law enforcement, all district projects to be transferred to the commission shall be

treated as commission highways under chapter 43, RSMo, and all projects to be transferred to a local transportation authority shall be treated as streets or roads of that entity.

2. All laws of this state relating to maintaining, signing, damaging, and obstructing roads shall apply to district projects. The duties and powers imposed by such laws on certain officials shall devolve upon the district's engineer or other employee designated by the board. Nothing in this subsection shall be deemed to interfere with, restrict, or limit the authority of the commission to govern and control highway marking, signalization, and signing to the extent the commission is authorized by law.

3. For outdoor advertising and junkyard control purposes, a district project may be designated by the commission as a part of the state primary highway system and by a local transportation authority as a part of its street or road system.

238.548. Unless otherwise approved by contract of the district, project improvements shall not be under the control and jurisdiction of a local transportation authority while the district retains control and jurisdiction over the project. The provisions of chapter 228, RSMo, are inapplicable to transportation development districts.

238.550. The state auditor shall audit each district not less than once every three years, and may audit more frequently if the state auditor deems appropriate. The state auditor shall also audit each district before it is abolished. The costs of these audits shall be paid by the district.

238.552. 1. At such time as a district has completed its projects and has transferred ownership of the projects to the commission or other local transportation authority for maintenance, or at such time as the board determines that it is unable to complete its projects due to lack of funding or for any other reason, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the Regional Transportation Development District be abolished?

2. The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Before submitting the question to abolish the district to a vote, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

3. While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

4. Upon receipt of certification by the appropriate election authorities that the majority of those voting within the district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board shall:

(1) Sell any remaining district real or personal property, and then transfer the proceeds and any other real or personal property owned by the district, including revenues due and owing the district, to the commission or any appropriate local transportation authority assuming maintenance and control of the project, for its further use and disposition;

(2) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(3) At a public meeting of the district, declare by a majority vote that the district has been abolished effective that date; and

(4) Cause copies of that resolution under seal to be filed with the secretary of state, the director of revenue, the commission, and with each local transportation authority affected by the district. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease."; and

Further amend said bill, Page 86, Section D, Line 4 of said page, by inserting after all of said line the following:

"Section E. Sections 238.500, 238.502, 238.504, 238.506, 238.508, 238.510, 238.512, 238.514, 238.516, 238.518, 238.520, 238.522, 238.524, 238.526, 238.528, 238.530, 238.532, 238.534, 238.536, 238.538, 238.540, 238.542, 238.544, 238.546, 238.548, 238.550, and 238.552 of section A of this act shall become effective January 1, 2003."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 28, Section 144.805, Lines 1 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year."

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 34, Section 226.200, Line 1, by inserting after the word "costs" the following: **"not to exceed a maximum of two percent for such collection costs,"**

HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, by inserting in the appropriate location the following section:

"226.094. 1. The state highways and transportation commission shall appoint an inspector general. The inspector general shall report to and be under the general supervision of the commission with periodic reports to the speaker of the house of representatives and the president pro tempore of the senate and the commission. However, the commission or general assembly, by concurrent resolution, may request the inspector general to perform specific investigations, reviews, or other studies, in which instance the inspector general shall report the findings and recommendations directly to the speaker of the house of representatives and the president pro tempore of the senate. The inspector general shall file an annual report with the joint committee on transportation oversight. The inspector general shall not be dismissed without cause by the commission unless the commission's actions are approved by concurrent resolution of the general assembly.

2. The inspector general shall promote economy, efficiency, effectiveness, and public integrity in the administration of the programs and operations of the department; to detect and prevent fraud, waste, and abuse in department programs and operations; to conduct and supervise investigations and reviews relating to department programs and operations; to provide independent and objective assistance to help assure the department is operated in compliance with the constitutions and laws of the United States and the state of Missouri; to keep the commission, the director, and the director's staff fully and currently informed about any problems or deficiencies relating to the administration of department programs and operations and the necessity for and progress of any corrective actions taken; and to perform other duties as the inspector general may be assigned by the director.

3. To accomplish the duties of the inspector general, the inspector general may:

(1) Request the issuance of a subpoena or a subpoena duces tecum in connection with any investigation and as deemed necessary by the inspector general. The commission, or any two members thereof, shall have the authority to issue such subpoenas and subpoenas duces tecum upon the request of, and after being provided information supporting the grounds for such issuance by, the inspector general. No commission member shall be summoned, deposed, subpoenaed, or otherwise compelled to testify or justify regarding the basis for, or the

information provided regarding, the issuance of a subpoena or subpoena duces tecum pursuant to this section. Subpoenas and subpoena duces tecum shall extend to all parts of the state and shall be served and returned as in civil actions in the circuit court. In cases of refusal to obey a subpoena or subpoena duces tecum issued by the commission, the circuit court of Cole County, or of any county where the person or entity refusing to obey such subpoena or subpoena duces tecum may be found, on application by the inspector general, shall have the power and jurisdiction to issue an order requiring such person or entity to appear before the inspector general or produce the documents requested, and any failure to obey such order shall be punished by the court as a contempt thereof;

(2) Administer to or take from any person an oath, affirmation, or affidavit, which oath, affirmation, or affidavit, when administered or taken by or before an authorized employee of the inspector general, shall have the same force and effect as if administered or taken by or before an officer having a seal.

4. Notwithstanding any provision of law to the contrary, any record or document or thing including but not limited to any summary, writing, complaint, data of any kind, tape or video recordings, electronic transmissions, e-mail, other paper or electronic documents, records, reports, digital recordings, photographs, software programs and software, expense accounts, phone logs, diaries, travel logs, or other things, including originals or copies of any of the above, contained in the inspector general's files or department databases regarding a complaint, a review or an investigation by the inspector general relating to department programs, operations or employees, or a summary or description of the nature or subjects of such complaint, review, or investigation, or any complaint, review, or investigative report containing confidential recommendations regarding the subject of potential future reviews, investigations, prosecutions, or litigations, shall be considered closed records. In the event an investigation or review by the inspector general is being administered concurrently with a separate civil or criminal investigation by another federal, state or local agency or entity, this closed record protection will continue even if these closed documents are deemed necessary by the inspector general to be delivered outside of the office of the inspector general in order to accomplish the duties of the inspector general or when these closed documents are provided to the director or the commission for their information or review."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, by inserting at the appropriate location the following section:

"136.055. 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000[.]; **and five dollars beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147, RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147, RSMo;**

(2) For each application or transfer of title--two dollars and fifty cents beginning January 1, 1998;

(3) For each chauffeur's, operator's or driver's license -- two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000[.]; **and five dollars beginning July 1, 2003, for six-year licenses issued or renewed;**

(4) For each notice of lien processed--two dollars and fifty cents beginning August 28, 2000;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. This section shall not apply to agents appointed by the state director of revenue in any city, other than a city not within a county, where the department of revenue maintains an office. All fees charged shall not exceed those in this section.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri

Legislature and charged by this fee office

were requested by the fee agents."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, by inserting at the appropriate location the following section:

"Section 1. 1. The state highways and transportation commission shall approve and implement a minority and women employment business enterprises program. The plan shall require all business vendors and contractors to assure the enforcement of an equal opportunity employment plan, and a minority and women business enterprises program that is based on population and availability and which contains specific goals for each such business, as applicable pursuant to state and federal laws.

2. The state highways and transportation commission shall implement and maintain an equal opportunity employment plan and a minority and women business enterprises program with specific goals which shall be identified and reported by ethnicity and gender. The state highways and transportation commission minority and women business enterprises program shall include the provisions of sections 34.070, 34.073, and 34.076, RSMo. The state highways and transportation commission shall engage the services of a compliance monitor, through either direct employment or by service contract, to assist in the implementation and progress of the program.

3. The state highways and transportation commission shall develop and implement such plan in coordination with Executive Order 98-21, house committee substitute for senate substitute for senate committee substitute for senate bills nos. 808 and 672 as truly agreed to and finally passed by the eighty-fifth general assembly, second regular session, and the Missouri business development commission."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 74, Section 307.205, Line 6, by inserting after the word "**device**" the words "**on public roadways**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 895**, as amended: Senators Yeckel, Childers, Foster, Schneider and Wiggins.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate refuse to concur in **HS** for **SCS** for **SBs 915, 710** and **907**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1817**, with **SCS**, was placed on the Informal Calendar.

HB 1773, with **SCS**, introduced by Representatives Shelton and Carnahan, entitled:

An Act to repeal sections 84.140 and 84.160, RSMo, and to enact in lieu thereof two new sections relating to the police force in certain cities, with an emergency clause.

Was taken up by Senator Coleman.

SCS for **HB 1773**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1773

An Act to repeal sections 84.140 and 84.160, RSMo, and to enact in lieu thereof two new sections relating to the police force in certain cities, with an emergency clause.

Was taken up.

Senator Coleman moved that **SCS** for **HB 1773** be adopted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1773, Page 7, Section 84.160, Line 197, by inserting after all of said line the following:

"590.502. As used in sections 590.502 to 590.514, the following terms shall mean:

- (1) "Employing law enforcement agency" or "law enforcement agency", this state or any political subdivision in this state that employs law enforcement officers certified as required by this chapter;**
- (2) "Hearing", any meeting conducted by a hearing grievance committee for the purpose of taking or adducing**

testimony or receiving other evidence in order to determine the facts regarding an occurrence which may lead to punitive action against a law enforcement officer;

(3) "Hearing or grievance committee", the committee as established by the written guidelines of the department's policy and procedures manual, which may include already established personnel boards;

(4) "Law enforcement officer" or "officer", any person who is regularly employed by an employing law enforcement agency and certified pursuant to this chapter, who possesses the duty and power of arrest for violation of the criminal laws of this state or for violation of orders or ordinances of this state or any political subdivision of this state. This term shall not include an officer serving in probationary status upon initial employment;

(5) "Punitive action", disciplinary action taken against a law enforcement officer by the employing law enforcement agency, including and limited to dismissal, demotion, reduction or withholding of salary, or a disciplinary transfer.

590.505. Any law enforcement officer who is the subject of punitive action shall at a minimum be furnished with a written statement and citations from the employing law enforcement agency's written and distributed policies and procedures for the reason of the punitive action. Upon receipt of the written reasons for the punitive action the law enforcement officer may, within five working days, request a hearing in writing. Such a hearing shall take place before any individual or board to be defined by the published and distributed ordinance, administrative rule or regulation or written and distributed employing law enforcement agency policies and procedures. The employing law enforcement agency shall schedule the hearing no sooner than five days and no later than ten days after the written request was received from the law enforcement officer. At such hearings, all voting will be conducted by secret ballots. The results of such hearing shall be reduced to writing and distributed to all parties involved. Any law enforcement agency that has a published and distributed ordinance, administrative rule or regulation or written and distributed policies and procedures, which provides an officer who is subject to punitive action, written notification and citation of the reason for the punitive action and allows the officer to request and have a hearing within ten days and the results of such hearing be reduced to writing shall be deemed to be in compliance with this section.

590.508. 1. When any law enforcement officer is under investigation and subjected to interrogation by such officer's commanding officer, or any other member of the employing law enforcement agency, which could lead to punitive action, such interrogation shall be conducted under the following conditions:

(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer is on duty, or during such officer's normal working hours, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off-duty time of the law enforcement officer being interrogated at any place other than such officer's residence, such law enforcement officer shall be compensated for such off-duty time in accordance with regular department procedure. If the interrogation of the law enforcement officer occurs during such officer's regular duty hours, such officer shall not be released from employment for any work missed during the interrogation;

(2) Any law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation. Such officer shall also be informed of the name, rank and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. No more than three interrogators at one time shall question the law enforcement officer under investigation;

(3) No law enforcement officer under interrogation shall be subjected to offensive language or threatened with punitive action. No promise of reward shall be made as an inducement to answering questions;

(4) The complete interrogation of any law enforcement officer shall be recorded, either written, taped or transcribed. Upon request of the law enforcement officer under investigation a copy of the record shall be made available to him not less than ten days prior to any hearing;

(5) Upon the filing of a formal written statement of charges or whenever an interrogation focuses on matters which are likely to result in punitive action against any law enforcement officer, that officer shall have the right to be represented by counsel who may be present at all times during such interrogation.

2. Nothing in this section shall prohibit the immediate temporary suspension, pending an investigation, from duty of any law enforcement officer who reports for duty under the influence of alcohol or controlled substances, or under the influence of an apparent mental or emotional disorder.

3. The provisions of this section shall not be applicable in the event any criminal charges have been filed against any law enforcement officer.

590.511. 1. If the investigation or interrogation of a law enforcement officer results in the recommendation of some punitive action, before taking such action the law enforcement agency shall give notice to the law enforcement officer that the officer is entitled to a hearing on the issues by a hearing or grievance committee.

2. Upon receipt of a written statement and citation from the employing law enforcement agency policy and procedure explaining the reason for the punitive action, the law enforcement officer may within five working days request a hearing before the established hearing or grievance committee and shall be granted a hearing within ten days. Both the law enforcement officer and the law enforcement agency shall be given ample opportunity to present evidence and argument with respect to the issues involved.

3. With respect to the subject of any investigation or hearing conducted pursuant to this section, the hearing or grievance committee may subpoena witnesses and administer oaths or affirmations and examine any individual under oath, and may require and compel the production of records, books, papers, contracts, and other documents.

4. Any decision, order or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each element in the case. A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action, shall be delivered or mailed by certified mail promptly to the law enforcement officer. The hearing or grievance committee may either agree with or disagree with the recommendation of the law enforcement agency, but shall in no case increase the punitive action recommended.

590.514. Any similar or like procedures to those provided for in sections 590.502 to 590.514 and that include a hearing upon request within ten days shall remain in effect in the law enforcement agencies that have established such procedures.

[85.011. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency. Any law enforcement officer employed by the state shall not be subject to the provisions of this section.]"; and

Further amend said bill, Page 7, Section B, Line 2, by striking the following: "section A" and inserting in lieu thereof the following: "the repeal and reenactment of sections 84.140 and 84.160"; and further amend line 5, by striking the following: "section A" and inserting in lieu thereof the following: "the repeal and reenactment of sections 84.140 and 84.160"; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Coleman raised the point of order that **SA 1** is out of order, as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SCS for **HB 1773** was again taken up.

Senator Coleman moved that **SCS** for **HB 1773** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **HB 1773** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick-- 1			
Absent with leave--Senator DePasco-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Mathewson	Quick	Staples--3	
Absent with leave--Senator DePasco-- 1			

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1962**, with **SCS**, entitled:

An Act to repeal sections 43.530, 43.540, 50.333, 50.550, 57.290, 59.042, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 482.330, 483.245, 488.005, 488.012, 488.445, 488.2250, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.425, 494.430, 506.060, 510.120, 511.350, 511.510, 516.200, 517.111, 517.141, 517.151, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 558.019, 559.021, 565.030, 565.084, 577.051, 589.410, 595.045, 621.015 and 621.045, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-six new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Klarich.

SCS for **HS** for **HCS** for **HB 1962**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1962

An Act to repeal sections 43.530, 43.540, 50.333, 50.550, 57.290, 59.042, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 479.020, 482.330, 483.015, 483.083, 483.245, 488.005, 488.012, 488.445, 488.2250, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.430, 506.060, 510.120, 511.350, 511.510, 517.111, 517.141, 517.151, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 558.019, 559.021, 565.084, 577.051, 589.410 and 595.045, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-one new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klarich moved that **SCS** for **HS** for **HCS** for **HB 1962** be adopted.

Senator Klarich offered **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1962

An Act to repeal sections 43.530, 43.540, 50.333, 57.290, 67.133, 143.782, 287.780, 374.770, 473.750, 476.058, 476.270, 476.340, 476.385, 479.020, 482.330, 483.015, 483.083, 483.245, 488.005, 488.012, 488.015, 488.445, 488.2253, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420, 494.430, 506.060, 510.120, 511.510, 516.097, 517.111, 517.141, 550.130, 550.140, 550.180, 550.190, 550.230, 550.300, 565.030, 565.084, 577.051, 589.410, 595.045 and 644.036, RSMo, relating to the administration of courts and court procedures, and to enact in lieu thereof sixty-one new sections relating to the same subject, with penalty provisions.

Senator Klarich moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1962** be adopted.

Senator Westfall assumed the Chair.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 39, Section 488.2253 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Pages 22-24, Section 477.650, by deleting all of said section and inserting in lieu thereof the following:

"477.650. The Missouri supreme court shall, beginning January 1, 2003, impose an additional one hundred twenty-five dollar fee on all duly licensed attorneys in this state as part of the annual registration for each attorney. This additional one hundred twenty-five dollar fee shall be distributed to the legal services organizations in Missouri which qualify for federal Legal Services Corporations funding. The moneys so distributed shall be used by legal services organizations in Missouri solely to provide legal services to eligible low-income persons as such persons are defined by the federal Legal Services' Corporation Income Eligibility Guidelines. Moneys shall be subject to all restrictions imposed on such legal services organizations by law. Moneys shall be allocated to the programs according to the funding formula employed by the Legal Services Corporation for the distribution of funds to Missouri. Such additional fee moneys shall be considered nonstate funds pursuant to the provisions of article IV, section 15 of the Missouri constitution. The Missouri supreme court, or a person or organization designated by the court, is the administrator and shall administer the moneys in such manner as determined by the Missouri supreme court, including in accordance with any rules and policies adopted by the Missouri supreme court for such purpose. Each recipient of moneys from the additional one hundred twenty-five dollar fee shall maintain appropriate records accounting for the receipt and expenditure of all moneys distributed and received pursuant to this section. These records must be maintained for a period of five years from the close of the fiscal year in which such moneys are distributed or received or until audited, whichever is sooner. All moneys distributed or received under this section are subject to audit by the Missouri supreme court or the state auditor."; and

Further amend the bill, pages 37-38, section 488.031, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kinder, Sims and Wiggins.

SA 2 failed of adoption by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	Goode
House	Kennedy	Kenney	Klindt
Mathewson	Quick	Rohrbach	Russell
Singleton	Westfall	Yeckel--15	

NAYS--Senators

Bentley	Bland	Dougherty	Foster
Gibbons	Gross	Jacob	Johnson
Kinder	Klarich	Loudon	Schneider

Sims

Steelman

Stoll

Wiggins--16

Coleman

Absent--Senators

Staples--2

Absent with leave--Senator DePasco--1

President Pro Tem Kinder assumed the Chair.

Senator House offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 81, Section 6, Line 26, by inserting after all of said line the following:

"Section 7. Bonds posted by a licensed bail bondsman shall be released at the time of sentence imposition."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 41, Section 488.4014, by striking all of said section; and

Further amend said bill, page 43, section 488.5320, by striking all of said section; and

Further amend said bill, page 66, section 595.045, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 56, Section 517.111, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 12, Section 143.782, Line 25, by inserting immediately after said line the following:

"287.210. 1. After an employee has received an injury he shall from time to time thereafter during disability submit to reasonable medical examination at the request of the employer, his insurer, the commission, the division or an

administrative law judge, the time and place of which shall be fixed with due regard to the convenience of the employee and his physical condition and ability to attend. The employee may have his own physician present, and if the employee refuses to submit to the examination, or in any way obstructs it, his right to compensation shall be forfeited during such period unless in the opinion of the commission the circumstances justify the refusal or obstruction.

2. The commission, the division or administrative law judge shall, when deemed necessary, appoint a duly qualified impartial physician to examine the injured employee, and any physician so chosen, if he accepts the appointment, shall promptly make the examination requested and make a complete medical report to the commission or the division in such duplication as to provide all parties with copies thereof. **In the case of a claim against the second injury fund, the administrative law judge may appoint an impartial physician to examine at the request of the state upon a finding that there is no other adequate medical evidence available and necessary to the state upon the issues presented by the second injury claim.** The physician's fee shall be fair and reasonable, as provided in subsection 3 of section 287.140, and the fee and other reasonable costs of the impartial examination may be [paid as other costs under this chapter] **assessed by the administrative law judge against any party and become immediately payable.** If all the parties shall have had reasonable access thereto, the report of the physician shall be admissible in evidence.

3. The testimony of any physician who treated or examined the injured employee shall be admissible in evidence in any proceedings for compensation [under] **pursuant to** this chapter, but only if the medical report of the physician has been made available to all parties as in this section provided. Immediately upon receipt of notice from the division or the commission setting a date for hearing of a case in which the nature and extent of an employee's disability is to be determined, the parties or their attorneys shall arrange, without charge or costs, each to the other, for an exchange of all medical reports, including those made both by treating and examining physician or physicians, to the end that the parties may be commonly informed of all medical findings and opinions. The exchange of medical reports shall be made at least seven days before the date set for the hearing and failure of any party to comply may be grounds for asking for and receiving a continuance, upon proper showing by the party to whom the medical reports were not furnished. If any party fails or refuses to furnish the opposing party with the medical report of the treating or examining physician at least seven days before such physician's deposition or personal testimony at the hearing, as in this section provided, upon the objection of the party who was not provided with the medical report, the physician shall not be permitted to testify at that hearing or by medical deposition.

4. Upon request, an administrative law judge, the division, or the commission shall be provided with a copy of any medical report.

5. As used in this chapter the terms "physician's report" and "medical report" mean the report of any physician made on any printed form authorized by the division or the commission or any complete medical report. As used in this chapter the term "complete medical report" means the report of a physician giving the physician's qualifications and the patient's history, complaints, details of the findings of any and all laboratory, X-ray and all other technical examinations, diagnosis, prognosis, nature of disability, if any, and an estimate of the percentage of permanent partial disability, if any. An element or elements of a complete medical report may be met by the physician's records.

6. Upon the request of a party, the physician or physicians who treated or are treating the injured employee shall be required to furnish to the parties a rating and complete medical report on the injured employee, at the expense of the party selecting the physician, along with a complete copy of the physician's clinical record including copies of any records and reports received from other health care providers.

7. The testimony of a treating or examining physician may be submitted in evidence on the issues in controversy by a complete medical report and shall be admissible without other foundational evidence subject to compliance with the following procedures. The party intending to submit a complete medical report in evidence shall give notice at least sixty days prior to the hearing to all parties and shall provide reasonable opportunity to all parties to obtain cross-examination testimony of the physician by deposition. The notice shall include a copy of the report and all the clinical and treatment records of the physician including copies of all records and reports received by the physician from other health care providers. The party offering the report must make the physician available for cross-examination testimony by deposition not later than seven days before the matter is set for hearing, and each cross-examiner shall compensate

the physician for the portion of testimony obtained in an amount not to exceed a rate of reasonable compensation taking into consideration the specialty practiced by the physician. Cross-examination testimony shall not bind the cross-examining party. Any testimony obtained by the offering party shall be at that party's expense on a proportional basis, including the deposition fee of the physician. Upon request of any party, the party offering a complete medical report in evidence must also make available copies of X rays or other diagnostic studies obtained by or relied upon by the physician. Within ten days after receipt of such notice a party shall dispute whether a report meets the requirements of a complete medical report by providing written objections to the offering party stating the grounds for the dispute, and at the request of any party, the administrative law judge shall rule upon such objections upon pretrial hearing whether the report meets the requirements of a complete medical report and upon the admissibility of the report or portions thereof. If no objections are filed the report is admissible, and any objections thereto are deemed waived. Nothing herein shall prevent the parties from agreeing to admit medical reports or records by consent. [The provisions of this subsection shall not apply to claims against the second injury fund.]

8. Certified copies of the proceedings before any coroner holding an inquest over the body of any employee receiving an injury in the course of his employment resulting in death shall be admissible in evidence in any proceedings for compensation [under] **pursuant to** this chapter, and it shall be the duty of the coroner to give notice of the inquest to the employer and the dependents of the deceased employee, who shall have the right to cross-examine the witness.

9. The division or the commission may in its discretion in extraordinary cases order a postmortem examination and for that purpose may also order a body exhumed."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Gross offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 2 of amendment, Section 287.210, Line 8, by deleting said line and inserting in lieu thereof the following: "**administrative law judge against the second injury fund and become immediately**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

SA 6, as amended, was again taken up.

Senator Schneider moved that the above amendment, as amended, be adopted, which motion prevailed.

Senator Kennedy offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 27, Section 483.015, Line 10, by deleting all of said section from the bill; and further amend page 28, section 483.083, by deleting said section from the bill; and further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Rohrbach assumed the Chair.

Senator Schneider offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Section 483.015, Line 25, by inserting after the numeral "3." the following: "upon adoption by a majority of the voters in the city of St. Louis"; and amend page 28, line 5, by adding: "the issue of whether the circuit clerk shall be appointed shall be submitted to the voters at the general election 2002.".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Schneider, **SSA 1** for **SA 7** was withdrawn.

Senator Gibbons requested unanimous consent of the Senate that the rules be suspended to allow the Conference Committee on **SCS** for **HB 2120** to meet in the West Gallery while the Senate is in session, which request was granted.

At the request of Senator Kennedy, **SA 7** was withdrawn.

At the request of Senator Klarich, **HS** for **HCS** for **HB 1962**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 1039**, entitled:

An Act to repeal sections 99.050 and 99.134, RSMo, and to enact in lieu thereof two new sections relating to municipal housing authority commissioners.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 1061** and **1062**, entitled:

An Act to repeal sections 354.085, 354.405, 354.603, 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, and 376.840, RSMo, and to enact in lieu thereof eleven new sections relating to health insurance administrative simplification.

With House Amendments Nos. 2, 3, 4, 5, 6, 7, House Substitute Amendment No. 1 for House Amendment No. 8, House Amendments Nos. 9, 10, 12 and 13.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 21, Section 376.811, Line 20 by striking the word "**of**" on said line and inserting in lieu thereof the following: "**or**"; and

Further amend said bill, Page 30, Section 376.840, Lines 39 through 48 by striking all of said lines; and

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting at the appropriate location the following section:

"376.1221. 1. Every health insurer and health benefit plan, as defined in section 376.1350, offering health benefit plans that are delivered, issued for delivery, continued or renewed after January 1, 2003, shall provide coverage for hearing aids that are prescribed, fitted, and dispensed by appropriately licensed professionals to dependent children through age nineteen covered under a policy, contract, or plan.

2. The hearing aids covered under this section shall:

(1) Be an electronic wearable device designed to aid or compensate for human hearing loss and any parts, attachments, or accessories, including earmolds;

(2) Be of a design and circuitry to optimize audibility and listening skills in the environment commonly experienced by children; and

(3) Have multiple-band wide dynamic range compression and direct audio input compatibility.

3. The coverage provided by this section shall include coverage for replacement hearing aids for the child at least once every three years.

4. Hearing evaluations, hearing aids, prescriptions, fittings, and consumable supplies shall be reimbursed according to the contracted fee schedule or according to the policy. A health insurer or health benefit plan subject to this section may limit the benefit payable for hearing aids to one thousand two hundred fifty dollars for each ear with a hearing loss. An insured or enrollee who selects a hearing aid that costs more than the benefit payable pursuant to this section may pay the difference between the price of the hearing aid and the benefit payable without financial or contractual penalty to the provider of the hearing aid.

5. Nothing in this section shall prohibit a health insurer or health benefit plan from providing coverage that is greater than or more favorable to enrollees than the coverage provided by this section.

6. The health care service required by this section shall not be subject to a deductible or co-payment that exceeds twenty percent of the actual covered service costs. No health insurer or health benefit plan subject to this section shall request or require hearing acuity information from or about persons applying for coverage.

7. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

8. The director of the department of insurance may promulgate rules to implement the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting at the appropriate location the following section:

"376.1600. Any health carrier, as defined by section 376.1350, providing group health insurance plans or group health benefits to an employer having a group of twenty-five employees or more shall, upon request by the

employer or the employer's agent of record, provide a statement of the annual claims history for each of the prior three years, or the total experience if the coverage has been in effect less than three years. The information shall be provided within thirty days of such request and shall include the total aggregate amount of claims paid and the total number of claims filed for each annual period. The information may be used by the employer or the employer's agent of record for the sole purpose of evaluating and marketing the group insurance program. The information provided to the employer or the employer's agent of record shall be furnished in a manner that does not individually identify an employee or an employee's family member and shall comply with all applicable federal and state privacy laws regarding the disclosure of health records."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 3, Section 354.085, Line 23, by inserting after all of said line the following:

"354.400. As used in sections 354.400 to 354.535, the following terms shall mean:

(1) "Basic health care services", health care services which an enrolled population might reasonably require in order to be maintained in good health, including, as a minimum, emergency care, inpatient hospital and physician care, **and chiropractic care, as defined in chapter 331, RSMo**, and outpatient medical **and chiropractic** services;

(2) "Community-based health maintenance organization", a health maintenance organization which:

(a) Is wholly owned and operated by hospitals, hospital systems, physicians, or other health care providers or a combination thereof who provide health care treatment services in the service area described in the application for a certificate of authority from the department of insurance;

(b) Is operated to provide a means for such health care providers to market their services directly to consumers in the service area of the health maintenance organization;

(c) Is governed by a board of directors that exercises fiduciary responsibility over the operations of the health maintenance organization and of which a majority of the directors consist of equal numbers of the following:

a. Physicians licensed pursuant to chapter 334, RSMo;

b. Purchasers of health care services who live in the health maintenance organization's service area;

c. Enrollees of the health maintenance organization elected by the enrollees of such organization; and

d. Hospital executives, if a hospital is involved in the corporate ownership of the health maintenance organization;

(d) Provides for utilization review, as defined in section 374.500, RSMo, under the auspices of a physician medical director who practices medicine in the service area of the health maintenance organization, using review standards developed in consultation with physicians who treat the health maintenance organization's enrollees;

(e) Is actively involved in attempting to improve performance on indicators of health status in the community or communities in which the health maintenance organization is operating, including the health status of those not enrolled in the health maintenance organization;

(f) Is accountable to the public for the cost, quality, and access of health care treatment services and for the effect such services have on the health of the community or communities in which the health maintenance organization is operating on a whole;

(g) Establishes an advisory group or groups comprised of enrollees and representatives of community interests in the service area to make recommendations to the health maintenance organization regarding the policies and procedures of

the health maintenance organization;

(h) Enrolls fewer than fifty thousand covered lives;

(3) "Covered benefit" or "benefit", a health care service to which an enrollee is entitled under the terms of a health benefit plan;

(4) "Director", the director of the department of insurance;

(5) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent lay person, possessing an average knowledge of health and medicine, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person's health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(6) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(7) "Enrollee", a policyholder, subscriber, covered person, or other individual participating in a health benefit plan;

(8) "Evidence of coverage", any certificate, agreement, or contract issued to an enrollee setting out the coverage to which the enrollee is entitled;

(9) "Health care services", any services included in the furnishing to any individual of medical, **chiropractic**, or dental care or hospitalization, or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability;

(10) "Health maintenance organization", any person which undertakes to provide or arrange for basic and supplemental health care services to enrollees on a prepaid basis, or which meets the requirements of section 1301 of the United States Public Health Service Act;

(11) "Health maintenance organization plan", any arrangement whereby any person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services and at least part of such arrangement consists of providing and assuring the availability of basic health care services to enrollees, as distinguished from mere indemnification against the cost of such services, on a prepaid basis through insurance or otherwise, and as distinguished from the mere provision of service benefits under health service corporation programs;

(12) "Individual practice association", a partnership, corporation, association, or other legal entity which delivers or arranges for the delivery of health care services and which has entered into a services arrangement with persons who are licensed to practice medicine, osteopathy, dentistry, chiropractic, pharmacy, podiatry, optometry, or any other health profession and a majority of whom are licensed to practice medicine or osteopathy. Such an arrangement shall

provide:

(a) That such persons shall provide their professional services in accordance with a compensation arrangement established by the entity; and

(b) To the extent feasible for the sharing by such persons of medical and other records, equipment, and professional, technical, and administrative staff;

(13) "Medical group/staff model", a partnership, association, or other group:

(a) Which is composed of health professionals licensed to practice medicine or osteopathy and of such other licensed health professionals (including dentists, chiropractors, pharmacists, optometrists, and podiatrists) as are necessary for the provisions of health services for which the group is responsible;

(b) A majority of the members of which are licensed to practice medicine or osteopathy; and

(c) The members of which (i) as their principal professional activity over fifty percent individually and as a group responsibility engaged in the coordinated practice of their profession for a health maintenance organization; (ii) pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account or other plan, or are salaried employees of the health maintenance organization; (iii) share medical and other records and substantial portions of major equipment and of professional, technical, and administrative staff; (iv) establish an arrangement whereby an enrollee's enrollment status is not known to the member of the group who provides health services to the enrollee;

(14) "Person", any partnership, association, or corporation;

(15) "Provider", any physician, hospital, or other person which is licensed or otherwise authorized in this state to furnish health care services;

(16) "Uncovered expenditures", the costs of health care services that are covered by a health maintenance organization, but that are not guaranteed, insured, or assumed by a person or organization other than the health maintenance organization, or those costs which a provider has not agreed to forgive enrollees if the provider is not paid by the health maintenance organization."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting at the appropriate location the following section:

"376.429. 1. All health benefit plans, as defined in section 376.1350, that are delivered, issued for delivery, continued or renewed on or after August 28, 2002, and providing coverage to any resident of this state shall provide coverage for routine patient care costs as defined in subsection 6 of this section incurred as the result of phase III or IV of a clinical trial that is approved by an entity listed in subsection 4 of this section and is undertaken for the purposes of the prevention, early detection, or treatment of cancer.

2. In the case of treatment under a clinical trial, the treating facility and personnel must have the expertise and training to provide the treatment and treat a sufficient volume of patients. There must be equal to or superior, noninvestigational treatment alternatives and the available clinical or preclinical data must provide a reasonable expectation that the treatment will be superior to the noninvestigational alternatives.

3. Coverage required by this section shall include coverage for routine patient care costs incurred for drugs and devices that have been approved for sale by the Food and Drug Administration (FDA), regardless of whether approved by the FDA for use in treating the patient's particular condition, including coverage for reasonable

and medically necessary services needed to administer the drug or use the device under evaluation in the clinical trial.

4. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to clinical trials that are approved or funded by one of the following entities:

- (1) One of the National Institutes of Health (NIH);
- (2) An NIH Cooperative Group or Center as defined in subsection 7 of this section;
- (3) The FDA in the form of an investigational new drug application;
- (4) The federal Departments of Veterans' Affairs or Defense;
- (5) An institutional review board in this state that has an appropriate assurance approved by the Department of Health and Human Services assuring compliance with and implementation of regulations for the protection of human subjects (45 CFR 46); or
- (6) A qualified research entity that meets the criteria for NIH Center support grant eligibility.

5. An entity seeking coverage for treatment, prevention, or early detection in a clinical trial approved by an institutional review board under subdivision (5) of subsection 4 of this section shall maintain and post electronically a list of the clinical trials meeting the requirements of subsections 2 and 3 of this section. This list shall include: the phase for which the clinical trial is approved; the entity approving the trial; whether the trial is for the treatment of cancer or other serious or life threatening disease, and if not cancer, the particular disease; and the number of participants in the trial. If the electronic posting is not practical, the entity seeking coverage shall periodically provide payers and providers in the state with a written list of trials providing the information required in this section.

6. As used in this section, the following terms shall mean:

- (1) "Cooperative group", a formal network of facilities that collaborate on research projects and have an established NIH-approved Peer Review Program operating within the group, including the NCI Clinical Cooperative Group and the NCI Community Clinical Oncology Program;
- (2) "Multiple project assurance contract", a contract between an institution and the federal Department of Health and Human Services (DHHS) that defines the relationship of the institution to the DHHS and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects;
- (3) "Routine patient care costs", shall include coverage for reasonable and medically necessary services needed to administer the drug or device under evaluation in the clinical trial. Routine patient care costs include all items and services that are otherwise generally available to a qualified individual that are provided in the clinical trial except:
 - (a) The investigational item or service itself;
 - (b) Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; and
 - (c) Items and services customarily provided by the research sponsors free of charge for any enrollee in the trial.

7. For the purpose of this section, providers participating in clinical trials shall obtain a patient's informed consent for participation on the clinical trial in a manner that is consistent with current legal and ethical standards. Such documents shall be made available to the health insurer upon request.

8. The provisions of this section shall not apply to a policy, plan or contract paid under Title XVIII or Title XIX of the Social Security Act."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting the appropriate location the following:

"103.095. Notwithstanding any other provision of law to the contrary, any member of the general assembly and any elected state official holding a statewide elective state office, who ceases to hold elective office, or any person employed by the elected official or employed by a member of the general assembly, whose employment is terminated because such elected official or member of the general assembly ceases to hold elective office, may elect to continue insurance benefits to cover medical expenses provided under sections 103.003 to 103.175, by paying the cost of such benefits [as determined by the board] **in an amount equal to the total premium cost of such benefit at the rate established for current members of the general assembly, elected state officials, and employees of the general assembly**. If an eligible person does not elect to continue the coverage within thirty-one days from the last day of the month in which the eligible person ceases to be an employee, he **or she** may not later elect to be covered under this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting at the appropriate location the following section:

"376.1219. 1. Each policy issued by an entity offering individual and group health insurance which provides coverage on an expense-incurred basis, individual and group health service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group health arrangements to the extent not preempted by federal law, and all health care plans provided by managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after September 1, 1997, shall provide coverage for formula **and low protein modified food products** recommended by a physician for the treatment of a patient with phenylketonuria or any inherited disease of amino and organic acids **who is covered under the policy, contract, or plan and who is less than six years of age**.

2. [The health care service required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, contract or plan.] **For purposes of this section, "low protein modified food products" means foods that are specifically formulated to have less than one gram of protein per serving and are intended to be used under the direction of a physician for the dietary treatment of any inherited metabolic disease. Low protein modified food products do not include foods that are naturally low in protein.**

3. The coverage required by this section may be subject to the same deductible for similar health care services provided by the policy, contract, or plan as well as a reasonable coinsurance or copayment on the part of the insured, which shall not be greater than fifty percent of the cost of the formula and food products, and may be subject to an annual benefit maximum of not less than five thousand dollars per covered child. Nothing in this section shall prohibit a carrier from using individual case management or from contracting with vendors of the formula and food products.

[3.] **4. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, or any other supplemental policy as determined by the director of the department of insurance.";** and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 15, Section 376.810, Line 15, by inserting after the word "**network**" on said line the following: "**for such policy or contract**".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 14, Section 354.603, Line 10, by adding: "4. or any managed care plan network that has been accredited by any accrediting agency approved by the department of insurance.".

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 30, Line 48, by adding the following after said line:

"191.890. 1. For purposes of this section, the following terms mean:

- (1) "Disclose", to release, transfer, provide access to, or divulge in any other manner information outside the entity holding the information; except that disclosure shall not include any information divulged directly to the individual to whom such information pertains;**
- (2) "Federal privacy rules", the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164;**
- (3) "Health information", any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or an individual that relates to;**
 - (a) The past, present, or future physical, mental, or behavioral health or condition of an individual;**
 - (b) The provision of health care to an individual; or**
 - (c) Payment for the provision of health care to an individual;**
- (4) "Licensee", all licensed insurers, producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;**
- (5) "Nonpublic personal health information", health information:**
 - (a) That identifies an individual who is the subject of the information; or**
 - (b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;**
- (6) "Person", without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership, a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, a governmental agency or any other entity.**

2. Any person who in the ordinary course of business, practice of a profession, or rendering of a service creates,

stores, receives, or furnishes nonpublic personal health information shall not disclose by any means of communication such nonpublic personal health information except pursuant to a prior written authorization, valid for one year, of the person to whom such information pertains or such person's authorized representative, if:

(1) The nonpublic personal health information is disclosed in exchange for consideration to an affiliate or other third party; or

(2) The purpose of the disclosure is:

(a) For the marketing of services or goods for personal, family, or household purposes;

(b) To facilitate an employer's employment-related decisions regarding hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;

(c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family, or household purposes; or

(d) To deliberately or maliciously cause harm to the person to whom the nonpublic personal health information pertains or to a person who creates, stores, or receives the nonpublic personal health information, except as necessary to conduct the business, practice, or service offered by the disclosing person or entity.

3. Nothing in this section shall be deemed to prohibit any disclosure of nonpublic personal health information as is necessary to comply with any other state or federal law, or a court order.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be assessed an administrative penalty of not more than five hundred dollars for each violation of this section. An administrative penalty pursuant to this section may be assessed by a state agency with primary regulatory authority over a person, by the attorney general upon referral by a state agency with primary regulatory authority over a person, or by the attorney general if no state agency has primary regulatory authority over the person. A state agency has primary regulatory authority over a person if the state agency licenses, certifies or examines the business, profession or services of the person. No person shall be subject to administrative penalties pursuant to this subsection from more than one state agency with respect to the same violation. Any administrative penalty imposed pursuant to this subsection shall be paid into the school fund as provided by law for other fines and penalties.

5. To the extent a person other than a licensee is subject to and complies with the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164 (the federal privacy rules), such person shall be deemed to be in compliance with this section. Until April 14, 2003, a person other than

a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

6. Irrespective of whether a licensee is subject to the federal privacy rules, if a licensee complies with all requirements of the federal privacy rules except for the effective date provision, the licensee shall be deemed to be in compliance with this section. Until April 14, 2003, a licensee shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

7. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled "Privacy of Consumer Financial and Health Information Regulation", the licensee shall be deemed to be in compliance with this section.

8. Notwithstanding the provisions of subsections 5 and 6 of this section, no person or licensee may disclose

nonpublic personal health information for marketing purposes contrary to paragraph (a) of subdivision (2) of subsection 2 of this section.

9. The provisions of this section do not apply to information from or to consumer reporting agencies as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Section 1681 et seq., or debt collectors as defined by the federal Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. to the extent such entities are engaged in activities regulated by these federal acts.

10. The provisions of this section do not apply to information disclosed in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit, including but not limited to the sale of a portfolio of loans, if the disclosure of nonpublic personal health information concerns solely consumers of the business or unit and the disclosure of the nonpublic personal health information is not the primary reason for the sale, merger, transfer, or exchange.

11. The director of the department of insurance shall have the sole authority to enforce this section with respect to licensees including, without limitation, treating violations of this section by licensees as an unfair trade practice pursuant to sections 375.936 to 375.948, RSMo. Licensees shall be entitled to all the protections of law contained therein.

12. Nothing in this section shall be construed to prohibit disclosure by any person for purposes other than those specifically listed in subsection 2 of this section. If an agent discloses information to a principal for purposes that do not violate subsection 2 of this section, the agent shall not be deemed liable for any disclosure by the principal.

13. This section does not apply to the disclosure of nonpublic personal health information which was originally collected for marketing purposes, provided that:

- (1) The information is disclosed solely for the purposes of marketing products directly to the individual to whom such information pertains;**
- (2) The individual to whom such information pertains voluntarily reports the information; and**
- (3) At the time the information is collected, the individual to whom the information pertains receives clear and conspicuous notice stating that the information will be disclosed to third parties for the purposes of marketing products or services to the individual.**

14. Notwithstanding any other provision of law, this act shall not apply to the conduct of medical research, as defined in 45 CFR part 46."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, Page 26, Section 376.833, Line 6, by inserting after said line the following:

"376.1209. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore symmetry as recommended by the oncologist or primary care physician for the patient incident to the mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions

applicable to other benefits with the exception that no time limit shall be imposed on an individual for the receipt of prosthetic devices or reconstructive surgery and if such individual changes his or her insurer, then the new policy subject to the federal Women's Health and Cancer Rights Act (Sections 901-903 of P.L. 105-277), as amended, shall provide coverage consistent with the federal Women's Health and Cancer Rights Act (Sections 901-903 of P.L. 105-277), as amended, and any regulations promulgated pursuant to such act. **Such benefits shall include coverage for the purchase of at least four mastectomy brasseries a year.**

2. As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a physician licensed pursuant to chapter 334, RSMo.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy or long-term care policy."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1061 and 1062, by inserting at the appropriate location the following section:

"376.1253. 1. Each physician attending any patient with a newly diagnosed cancer shall inform the patient that the patient has the right to a timely referral for a second opinion by an appropriate specialist within the provider network for a second opinion regarding the treatment of the patient's type of cancer. If no specialist in that specific cancer diagnosis area is in the provider network, a referral shall be made to a nonnetwork specialist in accordance with this section.

2. Each health carrier or health benefit plan, as defined in section 376.1350, that offers or issues health benefit plans which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, shall provide coverage for a second opinion rendered by a specialist in that specific cancer diagnosis area when a patient with a newly diagnosed cancer is referred to such specialist by his or her attending physician. Such coverage shall be subject to the same deductible and coinsurance conditions applied to other specialist referrals and all other terms and conditions applicable to other benefits, including the prior authorization and/or referral authorization requirements as specified in the applicable health insurance policy.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 40**.

HOUSE CONCURRENT RESOLUTION NO. 40

WHEREAS, current studies indicate that children left at home alone and unsupervised have lower academic test scores, have higher absentee rates at school, exhibit higher levels of fear, stress, nightmares, loneliness, and boredom, are 1.7 times more likely to use alcohol, and are 1.6 times more likely to smoke cigarettes; and

WHEREAS, recent data shows that violent juvenile crime rates soar and children are most likely to be victims of a violent crime committed by a

nonfamily member between the hours of 3 p.m. and 8 p.m., the hours immediately after school; and

WHEREAS, according to the National Center for Juvenile Justice, children are at greater risk of being involved in crime, substance abuse, and teenage pregnancy in the hours after school, especially between the hours of 3 p.m. and 4 p.m.; and

WHEREAS, the most common activity for children after school is watching television, resulting in an average 23 hours of television watching per week; and

WHEREAS, the parents of more than 800,000 Missouri school-age children work outside the home; and

WHEREAS, according to the estimates of the Urban Institute of the United States Census Bureau, at least 7 million and as many as 15 million "latchkey children" return to an empty house on any given afternoon; and

WHEREAS, in the United States, families worry about their children being unsafe and having too much idle, unsupervised time; and

WHEREAS, the United States Departments of Education and Justice report that children in quality after-school programs have better academic performance, school attendance, behavior, and greater expectations for the future; and

WHEREAS, children who attend high quality after-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in after-school programs; and

WHEREAS, children who attend after-school programs spend more time in learning opportunities, academic activities, and enrichment activities, and spend less time watching television than their peers; and

WHEREAS, children who attend after-school programs miss fewer days of school, have better homework completion, better school behavior, and higher test scores; and

WHEREAS, the United States Congress has recognized the beneficial impact of after-school programs to our youth, and has increased the funding of after-school programs administered by the Missouri Department of Elementary and Secondary Education; and

WHEREAS, 92% of all Americans believe there should be organized activities for all youth during after-school hours; and

WHEREAS, it is estimated that less than 25% of all school-age children attend any after-school program, leaving 75% of our youth without a safe, supportive, and enriching environment during the unsupervised hours after the formal school day ends:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, that a Joint Interim Committee on After-school Programs be created, to be comprised of three members of the House of Representatives, appointed by the Speaker of the House of Representatives and the House Minority Floor Leader, and three members of the Senate, appointed by the President Pro Tem of the Senate and the Senate Minority Floor Leader, and

BE IT FURTHER RESOLVED that the committee make a comprehensive analysis of the quantity and quality of Missouri after-school programs, including the solicitation of information from appropriate state agencies, public schools, youth development organizations, law enforcement agencies and juvenile officers, youth development and education experts, and the public (including youth) regarding the status of after-school programs; and

BE IT FURTHER RESOLVED that the committee, in consultation with the Departments of Elementary and Secondary Education and Social Services, make recommendations for an efficient and effective development plan to provide the opportunity for every Missouri school-age child to access quality after-school programs and design a system to train, mentor, and support after-school programs, and thereby guarantee their sustainability and under recommendations concerning the effect of financial incentives for summer school included in the school funding formula, for their continuance, changes, or elimination; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of House Research, Senate Research, and the Committee on Legislative Research provide such legal, research, clerical, technical, and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the General Assembly endorses all of state government to enthusiastically encourage our citizens to engage in innovative after-school programs and activities that ensure that all Missouri school-age children are not only safe, but also productive when the school day ends; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the General Assembly by January 1, 2003, and the

authority of such committee shall terminate on December 31, 2002, unless reauthorized.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 1086** and **1126**.

Representatives: Hoppe, Wagner, McKenna, Lograsso and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 722**, entitled:

An Act to repeal sections 168.071 and 168.081, RSMo, and to enact in lieu thereof three new sections relating to certificates of license to teach, with an expiration date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1143**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 859**.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 859, Page 3, Section 160.545, Line 75, by striking ", **with the exemption of active military dependents,**" ; and

Further amend said bill, Section 160.545, Line 77, by adding immediately after the word "section" the following:

", except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision" ; and

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 859, Page 3, Section 160.545, Line 69, by placing an opening bracket "[" immediately before the word "Within" and on Line 70 by placing a closing bracket "]" immediately after the word "section," and inserting the following after the closing bracket:

"For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection

6 of this section.

6." ; and

Further amend said bill, Page 4, Section 160.545, Line 86, by deleting "6." and inserting in lieu thereof the following:
"[6.] **7."** ; and

Further amend the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Westfall, Chairman of the Committee on Civil and Criminal Juris-prudence, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HBs 1729, 1589 and 1435**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HB 1498**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Kenney, the Senate recessed until 7:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gibbons.

HOUSE BILLS ON THIRD READING

At the request of Senator Yeckel, **HS** for **HCS** for **HBs 1461 and 1470**, with **SCS**, was placed on the Informal Calendar.

HB 1748 was placed on the Informal Calendar.

HCS for **HBs 1150, 1237 and 1327**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 1455**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Westfall, **HB 1508**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 1344 and 1944**, with **SCS**, was placed on the Informal Calendar.

HB 1679, with **SCS**, and point of order, was placed on the Informal Calendar.

HCS for **HB 1898**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Foster, **HCS** for **HB 1403**, with **SCS**, was placed on the Informal Calendar.

HB 1988 was placed on the Informal Calendar.

HS for **HCS** for **HB 1906**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klarich, **HS** for **HCS** for **HB 1756** was placed on the Informal Calendar.

HCS for **HB 1216**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator House, **HCS** for **HB 1425**, with **SCS**, was placed on the Informal Calendar.

HB 1406, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klarich, **HB 1869** was placed on the Informal Calendar.

HCS for **HJR 47**, with **SCS**, was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **HS** for **HB 1399**; **HCS** for **HB 1398**; and **HCS** for **HB 1689**, with **SCS** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HB 1594**--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HOUSE BILLS ON THIRD READING

Senator Klarich moved that **HS** for **HCS** for **HB 1962**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HCS** for **HB 1962**, as amended, was again taken up.

Senator Cauthorn offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 11, Section 50.333, Line 29, by inserting after all of said line the following:

"59.041. [1.] Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county which becomes a county of the second class after September 28, 1987, and wherein the offices of circuit clerk and recorder of deeds are combined, such combination shall continue until the governing body of the county authorizes the separation of the offices as provided in section 59.042.

[2. Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county of the third classification without a township form of government and having a population of more than twenty-seven thousand six hundred but less than twenty-eight thousand six hundred and wherein the offices of the district I circuit clerk and recorder of deeds are combined, the circuit court shall appoint such circuit clerk ex officio recorder of deeds. The circuit court may recommend to the governing body of such county whether the combined offices of the district I circuit clerk and recorder of deeds should be separated pursuant to subsection 1 of section 59.042; provided however, that if the governing body of such county authorizes the separation of offices and notwithstanding the provisions of subsection 2 of section 59.042, the office of district I clerk of the circuit court shall remain appointed by the circuit court.]".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Caskey offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Pages 22-24, Section 477.650, by deleting all of said section; and further amend said bill, pages 37-38, section 488.031, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 51, Section 494.420, Line 7, by inserting after all of said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

- (1) Any person who is less than eighteen years of age;
- (2) Any person not a citizen of the United States;
- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to his civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Wiggins requested a roll call vote be taken on the adoption of **SA 10** and was joined in his request by Senators Coleman, Klarich, Steelman and Stoll.

SA 10 failed of adoption by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Coleman
Dougherty	Foster	House	Jacob

Johnson	Sims	Steelman	Stoll
Wiggins--13			
	NAYS--Senators		
Caskey	Childers	Gibbons	Goode
Gross	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Singleton
Westfall	Yeckel--18		
	Absent--Senators		
Mathewson	Staples--2		
	Absent with leave--Senator DePasco--1		

Senator House offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 33, Section 488.012, Line 25, by striking the word "twelve" and inserting in lieu thereof the following: **"up to eighteen"**; and further amend said section and page 34, line 1, by inserting after the word "RSMo" the following:

"; provided however, that after the eighteen dollar limit for municipal court costs has been reached, such limit may be increased every three years by the same percentage as the increase in the general price level for the preceding year as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency;".

Senator House moved that the above amendment be adopted, which motion failed.

Senator Steelman offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 76, Section 644.036, Lines 22-26, by striking all of said lines and inserting in lieu thereof the following:

"5. Any listing required by Section 303(d) the Federal Clean Water Act to be made to EPA for their approval that will result in waters of this state to be classified as impaired shall be adopted by rule pursuant to chapter 536, RSMo. Total maximum daily loads shall not be required for any listed water which subsequently are determined to meet water quality standards."

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 5, Section 43.540, Line 7, by inserting after all of said line the following:

"49.272. 1. The county commission of any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants which has an appointed county counselor and which adopts or has adopted

rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances."; and

Further amend said bill, Page 11, Section 50.333, Line 29, by inserting after all of said line the following:

"56.640. 1. If a county counselor is appointed, he and his assistants under his direction shall represent the county and all departments, officers, institutions and agencies thereof, except as otherwise provided by law and shall upon request of any county department, officer, institution or agency for which legal counsel is otherwise provided by law, and upon the approval of the county commission, represent such department, officer, institution or agency. He shall commence, prosecute or defend, as the case may require, and exercise exclusive authority in all civil suits or actions in which the county or any county officer, commission or agency is a party, in his or its official capacity, he shall draw all contracts relating to the business of the county, he shall represent the county generally in all matters of civil law, and he shall upon request furnish written opinions to any county officer or department.

2. In all cases in which a civil fine may be imposed pursuant to section 49.272, RSMo, it shall be the duty of the county counselor, rather than the county prosecuting attorney, to prosecute such violations in the associate division of the circuit court in the county where the violation occurred.

3. Notwithstanding any law to the contrary, the county counselor in any county of the first classification and the prosecuting attorney of such county may by mutual cooperation agreement prosecute or defend any civil action which the prosecuting attorney or county counselor of the county is authorized or required by law to prosecute or defend."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 39, Section 488.445, Line 10, by inserting after all of said line the following:

"488.2250. 1. For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of [one dollar and fifty cents] **two dollars and twenty-five cents** per twenty-five line page for the original of the transcript, and the sum of [thirty-five] **fifty** cents per twenty-five line page for each [carbon] copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his **or her** discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for [the original of] which he **or she** shall receive [one dollar and fifty cents] **two dollars and twenty-five cents** per [legal] **twenty-five line** page and for [the] **additional** copies [twenty] **fifty** cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court.

2. Beginning January 1, 2004, the amounts a court reporter shall receive for transcripts described in subsection 1 of this section shall be increased or decreased on an annual basis, effective January first of each year, in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau

of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register each year, as soon after the first day of January as practical, but shall be otherwise exempt from the provisions of section 536.021, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Gibbons offered **SA 15:**

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 62, Section 565.030, Line 21, by deleting the word "nine" and insert in lieu thereof the words "at least nine but less than twelve" and further amend said line and lines 21 and 22, by deleting the words "are unable to decide or"; and

Further amend said bill on page 62, section 565.030, line 25, by deleting the brackets around the words "or death" and inserting after said words the following: ", but if less than nine of the twelve jurors agree upon setting the punishment at death, the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release by act of the governor".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 16:**

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 22, Section 476.385, Line 21, by inserting after the end of said line the following:

"476.689. Any person appointed to serve as a judge pursuant to the provisions of sections 476.515 to 476.565, with a vested right to receive retirement benefits pursuant to chapter 104, RSMo, may elect to transfer and receive credit for all previous creditable service pursuant to chapter 104, RSMo. Any person electing to transfer such creditable service as a judge shall elect in writing and waive all right to any other retirement benefit provided for pursuant to chapter 104, RSMo."; and in addition thereto, by modifying the title, enacting clause and intersectional references accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 17:**

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 74, Section 595.045, Line 21 of said page, by inserting immediately after said line the following:

"610.106. [Any person as to whom imposition of sentence was suspended prior to September 28, 1981, may make a motion to the court in which the action was prosecuted after his discharge from the court's jurisdiction for closure of official records pertaining to the case. If the prosecuting authority opposes the motion, an informal hearing shall be held in which technical rules of evidence shall not apply. Having regard to the nature and circumstances of the offense and the history and character of the defendant and upon a finding that the ends of justice are so served, the court may order official records pertaining to the case to be closed, except as provided in section 610.120.] **1. In the event a person is charged with a criminal offense and subsequently enters a guilty plea or is found guilty and imposition**

of sentence is suspended in the case for a period of time while the person is on court-ordered probation:

- (1) The official records of the case shall remain open until such time as the court-ordered probation is successfully completed;
 - (2) Upon successful completion of the court-ordered probation, the records of the case shall be sealed and closed for all purposes, notwithstanding any provision of the law or court order to the contrary; and
 - (3) Upon successful completion of the court-ordered probation, the person shall not thereafter be impeached by his or her arrest, charges, conviction or guilty plea in the case, except that a guilty plea entered in an alcohol-related case may be pled for the purpose of the enhancement of the sanction in accordance with the statutes provided.
2. Records required to be sealed and closed pursuant to this section shall be inaccessible to all persons other than the defendant, notwithstanding any provision of law to the contrary.
3. Nothing in this section shall be construed, interpreted or applied to deny or abridge any person's constitutional or statutory protection against double jeopardy.
4. The provisions of subsections 1, 2 and 3 of this section shall apply to all cases terminating prior to, on, or after the effective date of this section, except no case which terminated before the effective date of this section shall be re-opened because of any provision of this section.

610.110. No person as to whom such records have become **sealed or** closed [records] pursuant to **section 610.105 or 610.106** shall thereafter, under any provision of law, be held to be guilty of perjury or otherwise of giving a false statement by reason of his **or her** failure to recite [or], acknowledge [such arrest or trial], **admit or confess any aspect of any such arrest or any such case** in response to any inquiry made of him **or her** for any purpose[, except as provided in section 491.050, RSMo, and section 610.120]."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 2, Section A, Line 10, by inserting after all of said line the following:

"1.302. The compelling state interest test shall be imposed on all state and local laws and ordinances in all cases in which free exercise and enjoyment of religious belief or practice is substantially burdened.

1.305. 1. A governmental authority may not restrict a person's free exercise of religion, unless:

(1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and

(2) The governmental authority demonstrates that application of the restriction to the person is essential to further a compelling governmental interest, and is the least restrictive means of furthering that compelling governmental interest.

2. "Exercise of religion" shall be defined as an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

3. "Demonstrates" means meets the burden of going forward with the evidence and of persuasion.

1.307. 1. Sections 1.302 to 1.307 apply to all state and local laws, resolutions and ordinances and the implementation of such laws, resolutions and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of sections 1.302 to 1.307.

2. Nothing in sections 1.302 to 1.307 shall be construed to authorize any government to burden any religious belief, except that nothing in these sections shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on a federal, state or local civil rights law."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 19:**

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 11, Section 50.333, Line 29 of said page, by inserting after all of said line the following:

"104.800. 1. Except as otherwise provided by law, any person having earned creditable service pursuant to the provisions of the state employees' retirement system or pursuant to the provisions of the state transportation department employees' and highway patrol retirement system or having service as a statewide state elective officer or having service as a member of the general assembly or having service pursuant to the provisions of sections 287.812 to 287.855, RSMo, or having service as a judge, as defined in section 476.515, RSMo, may elect prior to retirement and not after retirement, to make a one-time transfer of credit for such service or such creditable service to or from any other retirement system or type of service specified in this section or sections 56.800 to 56.840, RSMo, for which the person has accumulated service or creditable service. The amount of transferred credit shall be accumulated with the amount of such creditable service or such service earned by the person in the retirement system or type of service to which the service is transferred for purposes of determining the benefits to which the person is entitled under the retirement system or type of service to which the service is transferred. The transfer of such creditable service or service shall become effective on the first day of the second month following the month in which the person files written notification of the person's election with the retirement boards affected by such service transfer. When the election to transfer creditable service or service becomes effective, the person shall thereby forfeit any claim to any benefit under the provisions of the retirement system or type of service, as the case may be, from which the service or creditable service was transferred regardless of the amount of service or creditable service previously earned in such retirement system or type of service. The amount of service a person shall be entitled to transfer pursuant to the provisions of this section shall not exceed five years.

2. Any person who has at least eight years of service as a judge, as defined in section 476.515, RSMo, and who had at least ten years of service pursuant to the provisions of sections 56.800 to 56.840, RSMo, may elect prior to retirement and not after retirement, to make a one-time transfer of credit for such service or such creditable service to or from the judicial retirement system pursuant to sections 476.450 to 476.690, RSMo, or the prosecuting attorneys' retirement system pursuant to sections 56.800 to 56.840, RSMo, for which the person has accumulated service or creditable service. The amount of transferred credit shall be accumulated with the amount of such creditable service or such service earned by the person in the retirement system or type of service to which the service is transferred for purposes of determining the benefits to which the person is entitled under the retirement system or type of service to which the service is transferred. The transfer of such creditable service or service shall become effective on the first day of the second month following the month in which the person files written notification of the person's election with the retirement boards affected by such service transfer. When the election to transfer creditable service or service becomes effective, the person shall thereby forfeit any claim to any benefit under the provisions of the retirement system or type of service, as the case may be, from which the service or creditable service was transferred regardless of the amount of service or creditable service previously earned in such retirement system or type of service.

3. In the event of the death of a member before retirement and prior to exercising transfer rights pursuant to the provisions of this section, survivorship benefits shall be computed as if such person had in fact exercised or not exercised the person's transfer rights to produce the most advantageous benefit possible.

[3.] 4. Any person that has earned creditable service pursuant to the provisions governing the Missouri state employees' retirement system or pursuant to the provisions of chapter 287, RSMo, or chapter 476, RSMo, who terminated employment prior to August 13, 1986, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall be eligible, prior to retirement, to make a one-time transfer of creditable service as provided in this section.

Further amend said bill, Page 22, Section 476.385, Line 21 of said page, by inserting after all of said line the following:

"476.689. Any judge as defined in section 476.515, who is actively serving and has served for at least ten years may elect prior to retirement to receive additional credited service for previous public employment with the state as an employee of the juvenile court pursuant to chapter 211, RSMo, previously covered by another retirement plan as defined in section 105.691, RSMo. The person must forfeit any right to benefits to which the person may have been entitled under the previously covered retirement plan. In no event shall the amount of service that a person shall be entitled to transfer pursuant to the provisions of this section exceed eight years.";
and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Rohrbach requested a roll call vote be taken on the adoption of **SA 19** and was joined in his request by Senators Childers, Klarich, Russell and Wiggins.

SA 19 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Coleman
House	Jacob	Johnson	Klarich
Klindt	Mathewson	Westfall	Wiggins-- 12
NAYS--Senators			
Cauthorn	Childers	Dougherty	Foster
Gibbons	Goode	Gross	Kennedy
Kenney	Kinder	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Yeckel-- 19	
Absent--Senators			
Quick	Staples--2		
Absent with leave--Senator DePasco--1			

Senator Bentley offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 60, Section 550.300, Line 16, by inserting after all of said line the following:

"565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another

person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Bentley moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 20** is out of order as it goes beyond the scope and purpose of the underlying legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kennedy offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1962, Page 27, Section 483.015, Line 13, by deleting the opening bracket and inserting after the word "and" the following ", "; and further amend line 14, by deleting the closing bracket and inserting after the word "Louis" the following: ", **subject to subsection 3**"; and further amend page 28, line 5, by inserting after "subsection." the following:

"This subsection shall take effect only in the event that the constitutional amendment on the November 2002 ballot, giving "home rule" to the city of St. Louis, shall not pass, and further that the issue of whether the circuit clerk shall be appointed shall then be placed on the ballot at the general election in November 2004. The issue shall be submitted to the voters as follows:

'Shall the circuit clerk of the city of St. Louis be appointed by the majority of the circuit judges of the circuit court for the city of St. Louis?'

If a majority of the qualified voters of the city vote "yes", then the office of circuit clerk for the city of St. Louis shall be appointed by a majority of the circuit judges of the twenty-second judicial circuit in accordance with the provisions of this subsection. If a majority of the qualified voters of the city vote "no" then the circuit clerk for the city of St. Louis shall be elected in accordance with the provisions of this section."

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Foster moved that **HB 1348**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HB 1348** was again taken up.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 19, Section 275.464, Line 28, by inserting after all of said line the following:

"281.217. 1. There is hereby created in the state treasury the "Pesticide Project Fund". In addition to the annual registration fee imposed by section 281.260, an annual registration fee of fifty dollars shall be imposed for each product registered pursuant to section 281.260, and credited to the pesticide project fund. The moneys in the fund shall be used for the following purposes:

(1) Up to twenty percent for the administration of the pesticide project fund and the pesticide registration program;

(2) Up to eighty percent for distribution to projects that relate to: pesticide and agriculture education efforts; pesticide applicator training; pesticide and water quality monitoring activities; household and agricultural pesticide and pesticide container disposal initiatives; integrated pest management (IPM) practices; and applied research on IPM and water quality improvement programs at the University of Missouri agricultural research stations;

2. Notwithstanding the provisions of section 33.080, RSMo, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. To be eligible for moneys in the pesticide project fund, applicants shall submit a proposed project plan to the director by March thirty-first, prior to the fiscal year in which the moneys are to be allocated. Allocation of project moneys will be dependent upon an executed memorandum of understanding between the entity receiving the moneys and the director.

4. Within thirty days of the end of the state fiscal year in which moneys are allocated, the recipients of the moneys shall submit to the director a report which shall contain an accounting of all moneys expended from the pesticide project fund during such fiscal year and a report of the project or projects for which the moneys were utilized.

5. Any unobligated or unexpended project moneys allocated to an entity shall revert to the pesticide project fund within sixty days of the close of the project.

6. If an entity fails to complete a project as outlined in the project plan and memorandum of the understanding, the entity shall submit partial or full repayment of the allocated moneys to the pesticide project fund as determined by the director.

7. No moneys, except moneys for pesticide project fund or pesticide registration program administration, shall be withdrawn from the fund prior to July 1, 2003.

8. If the balance of the pesticide project fund exceeds five million dollars in unobligated funds during any calendar year, fees required for registration of pesticides will be reduced to fifteen dollars the following registration period. When the fund attains a balance of three million dollars, the registration fee will be increased to one hundred twenty-five dollars the following registration period.

9. The pesticide project fund shall be administered by the plant industries division, or any successor division, within the department of agriculture.

10. The department shall provide a written report to the chairpersons of the house agriculture and senate agriculture, parks and tourism committees at the opening of every session of the Missouri general assembly providing a detailed account of the programs funded and grants made from the pesticide project fund as well as a description of the expected benefit to the agriculture community.

11. Any moneys remaining in the pesticide project fund on January 1, 2006, shall revert to the credit of the general revenue fund and the pesticide project fund shall be abolished.

12. The provisions of this section shall expire on January 1, 2006.

281.240. 1. No person shall distribute, sell, offer for sale, hold for sale, deliver for transportation, or transport in intrastate commerce or between points within this state through any point outside of this state any of the following:

(1) Any pesticide which has not been registered pursuant to the provisions of section 281.260, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its registration; provided that, in the discretion of the director, a minor change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product. **Any change in company name, trade name, active ingredient, concentration of active ingredient, or environmental protection agency (EPA) registration number shall not be considered a minor change and shall require registration as a new product;**

(2) Any pesticide, unless it is in the registrant's or the manufacturer's unbroken immediate container or a bulk container sealed by the registrant, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) The name and address of the manufacturer, registrant, or person for whom manufactured;

(b) The name, brand, or trademark under which said article is sold; and

(c) The net weight or measure of the contents, subject, however, to such reasonable variations as the director may permit;

(3) Any pesticide which contains any substance or substances in quantities highly toxic to man unless the label shall bear, in addition to any other matter required by sections 281.210 to 281.310:

(a) The skull and crossbones;

(b) The word "poison" prominently, in red, on a background of distinctly contrasting color; and

(c) A statement of an antidote for the pesticide;

(4) Any pesticide which is adulterated or misbranded, or any device which is misbranded.

2. It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in sections 281.210 to 281.310, or rules promulgated thereunder, or to add any substance to or take any substance from a pesticide in a manner that may defeat the purpose of sections 281.210 to 281.310;

(2) For any person to use for his own advantage or to reveal, other than to the director or proper officials or employees of this state, the courts of this state in response to a subpoena, physicians, or, in emergencies, pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 281.260.

281.260. 1. Every pesticide which is distributed, sold, offered for sale or held for sale within this state, or which is delivered for transportation or transported in intrastate commerce or between points within this state through any point outside of this state, shall be registered in the office of the director, and the registration shall be renewed annually.

2. The registrant shall file with the director a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) The name of the pesticide;

(3) Classification of the pesticide; and

(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use.

3. The registrant shall pay an annual fee of fifteen dollars for each product registered in any calendar year or part thereof. The fee shall be deposited in the state treasury to the credit of the general revenue fund. All such registrations shall expire on December thirty-first of any one year, unless sooner canceled. A registration for a special local need pursuant to subsection 6 of this section, which is disapproved by the federal government, shall expire on the effective date of the disapproval.

4. Any registration approved by the director and in effect on the thirty-first day of December for which a renewal application has been made and the proper fee paid shall continue in full force and effect until such time as the director notifies the applicant that the registration has been renewed, or otherwise denied, in accord with the provisions of subsection 8 of this section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the expiration date.

5. If the renewal of a pesticide registration is not filed prior to January first of any one year, an additional fee of [five] **fifty** dollars shall be assessed and added to the original fee and shall be paid by the applicant before the registration renewal for that pesticide shall be issued; provided, that, such additional fee shall not apply if the applicant furnishes an affidavit certifying that he **or she** did not distribute such unregistered pesticide during the period of nonregistration. The payment of such additional fee is not a bar to any prosecution for doing business without proper registry.

6. Provided the state complies with requirements of the federal government to register pesticides to meet special local needs, the director shall require that registrants comply with sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more pesticides meet the requirements of this subsection, one shall not be registered in preference to the other.

7. The director may require the submission of the complete formula of any pesticide to approve or deny product

registration. If it appears to the director that the composition and efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of sections 281.210 to 281.310, [he] **the director** shall register the pesticide.

8. The director, after opportunity for hearing, may deny, cancel, suspend, or revoke a pesticide registration if, after consideration to pertinent research findings and recommendations of other agencies of this state, the federal government or other reliable sources, the pesticide may cause damage or injury, or is considered dangerous or harmful to persons or the environment.

9. Provided the state is authorized to issue experimental use permits, the director may:

- (1) Issue an experimental use permit to any person applying for an experimental use permit if [he] **the director** determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide [under] **pursuant to** sections [263.269 to 263.380] **281.210 to 281.310**. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed;
- (2) Prescribe terms, conditions, and period of time for the experimental permit which shall be under the supervision of the director;
- (3) Revoke any experimental permit, at any time, if [he] **the director** finds that its terms or conditions are being violated, or that its terms [and] **or** conditions are inadequate to avoid unreasonable adverse effects on the environment.

[9.] **10.** If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of sections 281.210 to 281.310 or with federal laws, [he] **the director** shall notify the registrant of the manner in which the pesticide, labeling, or other material required to be submitted fail to comply with sections 281.210 to 281.310 or with federal laws so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the pesticide be registered or, in the case of a pesticide that is already registered, that it not be canceled, the director, within ninety days, shall hold a public hearing to determine if the pesticide in question should be registered or canceled. If, after such hearing, it is determined that the pesticide should not be registered or that its registration should be canceled, the director may refuse registration or cancel an existing registration until the required label changes are accomplished. If the pesticide is shown to be in compliance with sections 281.210 to 281.310 and federal laws, the pesticide will be registered. Any appeals resulting from administrative decisions by the director will be taken in accordance with sections 536.100 to 536.140, RSMo.

[10.] **11.** Notwithstanding any other provision of sections 281.210 to 281.310, registration is not required in the case of a pesticide shipped from one plant or warehouse within this state to another plant or warehouse within this state when such plants are operated by the same persons.

[11.] **12.** The director shall not make any lack of essentiality a criterion for denying registration of a pesticide except where none of the labeled uses are present in the state. Where two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be registered in preference to the other."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

Senator Cauthorn offered **SA 1 to SA 1:**

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348,

Page 1, Section 281.217, Line 6, by striking "fifty" and inserting in lieu thereof the following: "**fifteen**"; and
Further amend said section, Page 2, Lines 23-29, by striking said lines and inserting in lieu thereof the following:

"8. The pesticide project fund shall be capped at one million dollars. When the fund attains a balance of five hundred thousand dollars, the registration fee will be increased to twenty-five dollars the following registration period."

Senator Cauthorn moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Mathewson offered **SA 2** to **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 2, Section 281.217, Line 27, by striking lines 27-29.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Foster requested a roll call vote be taken on the adoption of **SA 1**, as amended, and was joined in his request by Senators Cauthorn, Childers, Kinder and Klindt.

Senator Cauthorn offered **SA 3** to **SA 1**:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 1, Section 281.217, Line 10, by striking "twenty" and inserting "**ten**"; and further on line 12, by striking "eighty" and inserting "ninety".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Goode	House
Jacob	Johnson	Kennedy	Mathewson
Quick	Schneider	Sims	Stoll
Wiggins--17			
NAYS--Senators			
Cauthorn	Foster	Gibbons	Gross
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Singleton
Steelman	Westfall	Yeckel--15	
Absent--Senator Staples--1			
Absent with leave--Senator DePasco--1			

Senator Caskey offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 31, Section 414.043, Line 23 of said page, by inserting after all of said line the following:

"578.405. 1. Sections 578.405 to 578.412 shall be known and may be cited as "The Animal Research and Production Facilities Protection Act".

2. As used in sections 578.405 to 578.412, the following terms mean:

(1) "Animal", every living creature, domestic or wild, but not including Homo sapiens;

(2) "Animal facility", any facility, **animal farming operation, business or organization** engaging in legal scientific research or agricultural production or involving the use of animals, including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any organization involved in the production of pet food or pet food research, and any organization with a primary purpose of representing any such person, organization, or institution. The term shall include the owner, operator, and employees of any animal facility [and], the offices [and], **barns, buildings, or other structures, the** vehicles of any such persons while engaged in duties related to the animal facility, and any premises, **private property**, where animals are located, **including but not limited to the barns or areas where the animals are pastured, housed, or otherwise quartered;**

(3) "Director", the director of the department of agriculture.

578.407. No person shall:

(1) Release, steal, or otherwise intentionally cause the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) Damage, vandalize, or steal any property in or on an animal facility;

(3) Obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) Enter or otherwise interfere with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

(5) Knowingly obtain, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals;

(6) Enter or remain on an animal facility with the intent to commit an act prohibited by this section;

(7) Photograph, videotape, or otherwise obtain images from within a structure that an animal is housed without the express written consent of the animal facility;

(8) Intentionally or knowingly release or introduce any pathogen or disease in or near an animal facility that has the potential to cause disease in any animal at the animal facility or which otherwise threatens human health or biosecurity at the animal facility.

578.409. 1. Any person who violates section 578.407:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or damage to the animal facility exceeds three hundred dollars in value;

(2) Shall be guilty of a class D felony **for a violation of subdivision (7) of section 578.407** or if the loss, theft, or damage to the animal facility property exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility property exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility exceeds one hundred thousand dollars in value.

2. Any person who intentionally agrees with another person to violate section 578.407 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.

3. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.407.

4. Any persons found guilty of a violation of section 578.407 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 3 of this section.

5. Any person who has been damaged by a violation of section 578.407 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in its business or property by a violation of section 578.407 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.407 **including any relief authorized under subsection 5 of this section**. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.

578.412. 1. The director shall have the authority to investigate any alleged violation of sections 578.405 to 578.412, along with any other law enforcement agency, and may [take any action within the director's authority necessary for the enforcement of sections 578.405 to 578.412] **initiate civil legal action in the circuit court of the county where the violation occurred**. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.405 to 578.412. No rule or portion of a rule promulgated under the authority of sections 578.405 to 578.412 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, Page 28, Section 348.432, Line 10 of said page, by inserting after all of said line the following:

"407.592. Sections 407.585 to 407.592 shall apply to any new farm machinery sold after January 1, 1988, but no provision of sections 407.585 to 407.592 shall operate or be construed to invalidate, impair, or otherwise infringe upon the specific requirements of any contract between a dealer and a manufacturer entered into prior to September 28, 1987, and which is in effect on September 28, 1987; provided, however, that in any case wherein warranty repair work is performed for a consumer by a farm equipment dealer under the provisions of a manufacturer's express warranty, the manufacturer shall reimburse the dealer at an hourly labor rate that is the same or greater than the hourly labor rate the dealer currently charges consumers for nonwarranty repair work. **The dealer may accept the manufacturer's reimbursement terms and conditions in lieu of the above.**"; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Foster moved that **SS No. 2** for **SCS** for **HB 1348**, as amended, be adopted, which motion prevailed.

On motion of Senator Foster, **SS No. 2** for **SCS** for **HB 1348**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Dougherty	Loudon	Rohrbach--3	
	Absent--Senator Staples--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1719**, begs leave to report that it has considered the same and recommends that the resolution do pass.

COMMUNICATIONS

The following communication was received from Senator DePasco:

May 13, 2002

Mrs. Terry Spieler

Secretary of the Senate

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Terry:

Please be advised Senator Ed Quick will be handling HS for HCS for SB 1039.

Sincerely,

/s/ Ronnie DePasco

Ronnie DePasco

STATE SENATOR

District 11

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Andy and Elaine Theisen, Des Peres.

Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Donald Potts, M.D., Independence.

Senator Kenney introduced to the Senate, Ron, Janice, Christina and Beth Taylor, Raytown; and

Christina and Beth were made honorary pages.

Senator Rohrbach introduced to the Senate, Melvin, Nicki and Kristy Schebaum, Jefferson City; and Nicki and Kristy were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Tuesday, May 14, 2002.

SENATE CALENDAR

SEVENTY-SECOND DAY-TUESDAY, MAY 14, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and

Russell, with SCS

SBs 1085 & 1262-Yeckel

and Childers, with SCS

HOUSE BILLS ON THIRD READING

1. HS for HCS for HBs

1654 & 1156-Hosmer,

with SCS (Caskey)

(In Budget Control)

2. HS for HCS for HB 1650-Hoppe,

with SCS (Steelman)

(In Budget Control)

3. HCS for HB 1143,

with SCS

(Kenney)

(In Budget Control)

4. HS for HB 1399-

Ransdall (Yeckel)

(In Budget Control)

5. HCS for HB 1398

(Yeckel)

(In Budget Control)

6. HCS for HB 1689, with

SCS (Klarich)

(In Budget Control)

7. HCS for HB 1695, with SCS

8. HS for HCS for HBs

1729, 1589 & 1435-

Barnitz (Cauthorn)

9. HS for HB 1498-

Johnson (90), with SCS (Sims)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SB 668-Bentley, with SS &
SA 1 (pending)

SB 689-Gibbons, et al,
with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and
Kinder, with SCS

SBs 766, 1120 & 1121-
Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with
SCS, SS for SCS & SA 4
(pending)

SB 926-Kenney, et al,
with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al,
with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al,
with SCS

SB 1046-Gross and House,
with SCS (pending)

SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach
and Kenney, with SCS,
SS for SCS & SA 3
(pending)

SB 1087-Gibbons, et al,
with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,
with SS and SA 3 (pending)

SB 1103-Westfall, et al,
with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1 (pending)

HOUSE BILLS ON THIRD READING

HB 1041-Myers, with SCS &

SS for SCS (pending)

(Childers)

HCS for HBs 1150, 1237 &

1327, with SCS

(Gibbons)

HB 1196-Barnett, et al,

with SCS (Westfall)

HCS for HB 1216, with SCS

(Singleton)

SS for SCS for HBs 1270 &

2032-Gratz (Westfall)

(In Budget Control)

HCS for HBs 1344 & 1944,

with SCS (Caskey)

HCS for HB 1403, with SCS

(Foster)

HB 1406-Barnett, with SCS

(Klindt)

HCS for HB 1425, with SCS

(House)

HS for HB 1455-O'Toole,
with SCS (Gross)

HS for HCS for HBs 1461 &
1470-Seigfreid, with
SCS (Yeckel)

HBs 1489 & 1850-Britt,
with SCS, SS for SCS,
SA 4 & SSA 1 for SA 4
(pending) (Steelman)

HS for HCS for HBs 1502 &
1821-Luetkenhaus, with
SCS (Rohrbach)

HB 1508-Koller, with SCS
(Westfall)

HB 1600-Treadway, with SS
& SA 3 (pending) (Mathewson)

HB 1679-Crump, with SCS &
point of order (Sims)

HB 1748-Ransdall (Steelman)

HS for HCS for HB 1756-
Reid (Klarich)

HCS for HB 1817, with SCS
(Bentley)

HB 1869-Barry (Klarich)

HCS for HB 1898, with SCS
(Goode)

HS for HCS for HB 1906-

Green (73), with SCS

(Kenney)

HB 1988-Kelly (144)

(Westfall)

HS for HB 1994-Hosmer,

with SA 1 & SA 2 to

Part I of SA 1 (pending)

(Bentley)

HCS for HJR 47, with SCS

(Gibbons)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,

with SCS (pending)

(Coleman)

HB 1085-Mays (50) (Quick)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SCS for SB 722-Bentley,

with HS for HCS

SB 859-Russell, with HAs1 & 2

SB 1039-DePasco, with HS

for HCS

SCS for SBs 1061 & 1062-

Rohrbach and Kenney, with

HS for HCS, as amended

SCS for SB 1212-Mathewson,

with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SCS for SB 712-Singleton

and Sims, with HS for

HCS, as amended

SB 758-Bentley, with HCS

SB 795-Schneider, with

HCS (CCR Offered)

SCS for SB 810-Dougherty,

with HS for HCS, as

amended

SB 895-Yeckel and Gross,

with HS for HCS, as

amended

SS for SS for SCS for SBs

970, 968, 921, 867, 868

& 738-Westfall, with HS

for HCS, as amended

SCS for SBs 1086 & 1126-

DePasco & Quick, with HCS

SCS for SB 1202-Westfall,

with HCS

SB 1220-Sims, with HS, as amended

SS for SB 1248-Mathewson,

with HS for HCS, as

amended

HB 1313-Burton, with SCS

(Foster)

HB 1446-Luetkenhaus, with
SS#2 for SCS, as amended
(Kenney)

HB 1712-Monaco, et al, with
SS for SCS, as amended
(Klarich)

HB 2120-Ridgeway and
Hosmer, with SCS
(Gibbons)

Requests to Recede or Grant Conference

SCS for SBs 915, 710 &
907-Westfall, et al,
with HS, as amended
(Senate requests House
recede or grant conference)

HB 1953-Van Zandt, et al,
with SCS, as amended
(Singleton)
(House requests Senate
recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

To be Referred

HCR 40-Walton and Moore

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 24-Kreider (Westfall)

SR 1719-Gross

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-SECOND DAY--TUESDAY, MAY 14, 2002

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

(May God) "...forgive us for thinking that prayer is a waste of time, and help us to see that without prayer our work is a waste of time." (Peter Marshall, Chaplain, U.S. Senate)

Gracious God, this day is filled with tension; the clock keeps ticking away these final four days, and important decisions have yet to be made. So we come to You in prayer to calm our hearts, de-stress our bodies and to guide our decisions so what we do here is not a waste of time. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gross moved that **SR 1719** be taken up for adoption, which motion prevailed.

On motion of Senator Gross, **SR 1719** was adopted.

Senator Bentley offered Senate Resolution No. 1752, regarding Toni Hendricks, which was adopted.

Senator Westfall offered Senate Resolution No. 1753, regarding Sheryl Morehouse, Bolivar, which was adopted.

Senator Westfall offered Senate Resolution No. 1754, regarding Ash Grove High School FFA Program, Ash Grove, which was adopted.

Senator Westfall offered Senate Resolution No. 1755, regarding Jered Brown, Pleasant Hope, which was adopted.

Senator Westfall offered Senate Resolution No. 1756, regarding Pleasant Hope High School, Pleasant Hope, which was adopted.

Senator Westfall offered Senate Resolution No. 1757, regarding Josh Norton, Pleasant Hope, which was adopted.

Senator Westfall offered Senate Resolution No. 1758, regarding Cindy Wilson, Pleasant Hope, which was adopted.

Senator Westfall offered Senate Resolution No. 1759, regarding Willard High School, Willard, which was adopted.

Senator Westfall offered Senate Resolution No. 1760, regarding Scott Hill, Miller, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1988, introduced by Representative Kelly (144), entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the establishment of an official state horse.

Was called from the Informal Calendar and taken up by Senator Westfall.

On motion of Senator Westfall, **HB 1988** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Singleton--1			
Absent--Senator Bland--1			
Absent with leave--Senators			
DePasco	Jacob	Schneider--3	

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 758**, as amended, moved that the following conference committee report be taken up, which motion

prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 758

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 758, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. The House recede from its position on House Committee Substitute for Senate Bill No. 758;
2. The Senate recede from its position on Senate Bill No. 758;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 758, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Roseann Bentley
/s/ Doyle Childers
/s/ Betty Sims
/s/ Pat Dougherty
/s/ Stephen Stoll

FOR THE HOUSE:

/s/ W. Craig Hosmer
/s/ Phillip M. Britt
/s/ Cathy Jolly
/s/ Mike Reid
/s/ Matt Bartle

Senator Bentley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bland	Klarich	Staples--3	
	Absent with leave--Senators		
DePasco	Jacob	Schneider--3	

On motion of Senator Bentley, **CCS** for **HCS** for **HB 758**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 758

An Act to repeal sections 43.540, 547.170, 589.400 and 589.410, RSMo, and to enact in lieu thereof four new sections relating to registration of offenders.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Quick--2		
	Absent with leave--Senators		
DePasco	Jacob--2		

Senator Westfall assumed the Chair.

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 1344** and **1944**, with **SCS**, entitled:

An Act to repeal sections 571.030 and 571.070, RSMo, and to enact in lieu thereof four new sections relating to firearms, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Caskey.

SCS for **HCS** for **HBs 1344** and **1944**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1344 and 1944

An Act to repeal section 571.030, RSMo, relating to firearms and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HCS** for **HBs 1344** and **1944** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1344 and 1944, Page 4, Section 571.030, Line 61, by striking the word "ten" and inserting in lieu thereof the following: "**fifteen**".

Senator Dougherty moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1344 and 1944, Pages 3 and 4, Section 571.030, Lines 54-73, by deleting all of said lines.

Senator Rohrbach moved that the above substitute amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1344 and 1944, Pages 1 to 27, Section A, et al, by striking all said pages and sections and substitute:

"50.535. The Missouri General Assembly hereby declares that the second amendment rights of all Missouri citizens shall include the right to own and possess firearms which shall include the right to carry firearms upon their person or in their vehicles in an open unconcealed manner.".

Senator Schneider moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Cauthorn, Childers, Kennedy and Schneider.

SA 2 failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Bland	Coleman	Dougherty
Goode	Kennedy	Schneider	Sims
Wiggins--9			
	NAYS--Senators		
Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	House	Johnson
Kenney	Kinder	Klindt	Loudon
Mathewson	Rohrbach	Russell	Singleton
Staples	Steelman	Stoll	Westfall
Yeckel--21			
	Absent--Senators		
Klarich	Quick--2		
	Absent with leave--Senators		
DePasco	Jacob--2		

Senator Staples offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1344 and 1944, Page 27, Section B, Line 8, by inserting immediately after said line the following:

"Section C. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2002, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Russell, Schneider, Staples and Stoll.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Bland	Coleman	Dougherty
Gibbons	Goode	House	Johnson
Kennedy	Mathewson	Quick	Schneider
Sims	Staples	Wiggins--15	
	NAYS--Senators		
Caskey	Cauthorn	Childers	Foster
Gross	Kenney	Kinder	Klarich
Klindt	Rohrbach	Russell	Singleton
Steelman	Stoll	Westfall	Yeckel--16
	Absent--Senator Loudon--1		
	Absent with leave--Senator		
DePasco	Jacob--2		

Senator Kennedy offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1344 and 1944, Page 20, Section 571.094, Line 519, by inserting after all of said line the following:

"(10) A live firing exercise of sufficient duration under nighttime conditions for each applicant to fire a handgun, from a standing position or its equivalent, a minimum of fifty rounds at a distance of seven yards, and twenty-five rounds at a distance of fifteen yards, from a B-27 silhouette target or an equivalent target;"; and further amend line 520, by striking "(10)" and inserting in lieu thereof the following: **"(11)"**.

Senator Kennedy moved that the above amendment be adopted, which motion failed.

Senator Childers offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1344 and 1944, Page 26, Section 571.094, Line 730, by inserting after all of said line, the following:

"38. The provisions of this section shall not apply to any city not within a county and any county with more than two hundred thousand inhabitants.

39. The provisions of section 571.094 are hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2002, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted.

Senator House offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1344 and 1944, Page 1, Section 571.094, Line 7, by inserting after the word "inhabitants" the following: ", **with the exception of any county of the first classification with more than 250,000 but less than 350,000 inhabitants**".

Senator House moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Childers moved that the above amendment, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Caskey, Foster and Sims.

SA 5, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Coleman
Dougherty	Foster	Goode	Gross
Johnson	Kennedy	Quick	Rohrbach
Sims	Staples	Wiggins--15	
NAYS--Senators			
Caskey	Cauthorn	Gibbons	House
Kenney	Kinder	Klarich	Klindt
Russell	Singleton	Steelman	Stoll
Westfall	Yeckel--14		
Absent--Senators			
Loudon	Mathewson	Schneider--3	
Absent with leave--Senators			
DePasco	Jacob--2		

Senator Dougherty offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1344 and 1944, Page 4, Section 571.030, Line 70, by striking the word "and"; and further amend line 73, by inserting immediately after the word "state" the following: ";

- (h) Has not pled guilty to or been convicted of domestic assault; and**
- (i) Does not have an active order of protection pending against them".**

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Caskey, **HCS** for **HBs 1344** and **1944**, with **SCS** and **SA 6** (pending) was placed on the Informal Calendar.

HCS for **HJR 47**, with **SCS**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27 of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to political subdivision revenue bonds for utility, industrial, and airport purposes.

Was called from the Informal Calendar and taken up by Senator Gibbons.

SCS for **HCS** for **HJR 47**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 47

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the Constitution of Missouri relating to political subdivision revenue bonds for utility, industrial and airport purposes, and adopting one new section in lieu thereof relating to the same subject.

Was taken up.

Senator Gibbons moved that **SCS** for **HCS** for **HJR 47** be adopted.

Senator Rohrbach assumed the Chair.

Senator Gibbons offered **SS** for **SCS** for **HCS** for **HJR 47**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 47

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the Constitution of Missouri relating to political subdivision revenue bonds for utility, industrial and airport purposes, and adopting one new section in lieu thereof relating to the same subject.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HJR 47** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **HCS** for **HJR 47** was read the 3rd time and passed by the following

vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		

NAYS--Senator Bland--1

Absent--Senators

Schneider Yeckel--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HBs 1141, 1400, 1645, 1745 and 2026** and has taken up and passed **SCS** for **HBs 1141, 1400, 1645, 1745 and 2026**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HB 1402** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868 and 738**, as amended: Senators Westfall, Russell, Klindt, Staples and Goode.

PRIVILEGED MOTIONS

Senator Steelman moved that the Senate refuse to recede from its position on **SCS** for **HB 1402**, as amended, and grant the House a conference thereon, which motion prevailed.

On motion of Senator Kenney, the Senate recessed until 12:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rohrbach.

PRIVILEGED MOTIONS

Senator Bentley moved that **SCS** for **SB 722**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 722**, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 722

An Act to repeal sections 168.071 and 168.081, RSMo, and to enact in lieu thereof three new sections relating to certificates of license to teach, with an expiration date for a certain section.

Was taken up.

Senator Bentley moved that **HS** for **HCS** for **SCS** for **SB 722** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins--26		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Mathewson	Quick
Schneider	Staples	Yeckel--7	
	Absent with leave--Senator DePasco--1		

Senator Mathewson requested unanimous consent of the Senate to suspend the rules to allow the conferees on **HS** for **HCS** for **SS** for **SB 1248**, as amended, to meet in the Senate Lounge while the Senate is in session, which request was granted.

On behalf of Senator Singleton, Senator Kenney requested unanimous consent of the Senate to suspend the rules to allow the conferees on **HS** for **HCS** for **SCS** for **SB 712**, as amended, to meet in the West Gallery while the Senate is in session, which requested was granted.

On motion of Senator Bentley, **HS** for **HCS** for **SCS** for **SB 722** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Goode

Gross	House	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Rohrbach	Russell	Sims	Staples
Steelman	Stoll	Westfall	Wiggins--24

NAYS--Senators--None

Absent--Senators

Bland	Gibbons	Jacob	Klarich
Mathewson	Quick	Schneider	Singleton
Yeckel--9			

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Childers moved that **HB 1041**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 1041**, as amended, was again taken up.

Senator Gibbons offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 8, Section 94.875, Line 15 of said page, by inserting after all of said line the following:

"407.610. 1. Any person who intends to use any promotional device or promotional program, including any sweepstakes, gift award, drawing or display booth, or any other such award or prize inducement items, to advertise, solicit sales or sell any time-share period, time-share plan, or time-share property in the state of Missouri **or sell any tourist-related services as defined pursuant to subsection 8 of this section where a consumer is required to provide any consideration other than monetary for such tourist-related services**, shall notify the Missouri attorney general in writing of this intention not less than fourteen days prior to release of such materials to the public. Included with such notice shall be an exact copy of each promotional device and promotional program to be used. Each promotional device, promotional program, and the notice thereof shall include the following information:

- (1) A statement that the promotional device or promotional program is being used for the purpose of soliciting sales of a time-share period, time-share plan or time-share property;
- (2) The date by which all such awards or other prize inducement items will be awarded;
- (3) The method by which all such items will be awarded;
- (4) The odds of being awarded such items;
- (5) The manufacturer's suggested retail price of such items; and

(6) The names and addresses of each time-share plan or business entity participating in the promotional device or promotional program.

2. Any material change in a promotional device or promotional program previously submitted to the attorney general shall constitute a new promotional device or promotional program and shall be resubmitted to the attorney general with the notice thereof.

3. It shall be a violation of section 407.020 for any person to:

(1) Fail to comply with the provisions of the notice requirements of this section;

(2) Provide to the attorney general in the notice required by this section any information that is false or misleading in a material manner;

(3) Represent to any person that the filing of the notice of the promotional device or the promotional program constitute an endorsement or approval of the promotional device or promotional program by the attorney general;

(4) Engage in any act or practice declared to be unlawful by section 407.020 in connection with the use of any promotional device or promotional program or any advertisement, or sale of time-share plans, time-share periods or time-share property.

4. At least one of each prize featured in a promotional program shall be awarded by the day and year specified in the promotion. When a promotion promises the award of a certain number of each prize, such number of prizes shall be awarded by the date and year specified in the promotion. A record shall be maintained containing the names and addresses of winners of the prizes and the record shall be made available, upon request, to the public, upon the payment of reasonable reproduction costs. If a seller for any reason does not provide, at the time of a site visitation or visitation to a time-share sales office, the inducement gift which was promised, the seller shall deliver the gift, or an acceptable substitute therefor agreed upon in writing, to the prospective purchaser or purchaser no later than ten days following such visitation, or shall deliver instead of such gift cash in an amount equal to the retail value of the gift.

5. If a prospective purchaser or purchaser does not receive the gift or the cash as provided in subsection 4 of this section, he may bring an action under the provisions of section 407.025. For purposes of actions brought pursuant to this section, the term "actual damages", as used in section 407.025, shall mean at least five times the cash retail value of the most expensive gift offered, but shall not exceed one thousand dollars, in addition to such other actual damages as may be determined by the evidence.

6. The provisions of sections 407.600 to 407.630 shall not apply to a person who has acquired a time-share period for his own occupancy and later offers it for resale.

7. If the sale of a time-share plan or of time-share property is subject to the provisions of sections 407.600 to 407.630, such sale shall not be subject to the provisions of chapter 339, RSMo.

8. For the purposes of this section, the term "Tourist-related services" includes but is not limited to, selling or entering into contracts or other arrangements under which a purchaser receives a premium, coupon or contract for car rentals, lodging, transfers, entertainment, sightseeing or any service reasonably related to air, sea, rail, motor coach or other medium of transportation directly to the consumer."; and

Further amend said bill, Page 8, Section 407.1375, Lines 16-23 of said page, by striking said section from the bill; and

Further amend said bill, Pages 8-9, Section 407.1378, by striking said section from the bill; and

Further amend said bill, Pages 9-10, Section 407.1381, by striking said section from the bill; and

Further amend said bill, Page 10, Section 407.1384, Lines 7 to 20 of said page, by striking said section from the bill; and

Further amend said bill, Pages 10-11, Section 407.1387, by striking said section from the bill; and

Further amend said bill, Pages 11-12, Section 407.1390, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted.

Senator Goode raised the point of order that **SCS** and **SS** for **SCS** for **HB 1041** are out of order, as they both exceed the original purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 4 was again taken up.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Pages 12-15, Section 620.467, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Goode
House	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Rohrbach
Russell	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
Absent--Senators			
Bland	Gibbons	Gross	Jacob
Klarich	Mathewson	Quick	Schneider
Singleton--9			
Absent with leave--Senator DePasco-- 1			

SA 5 was again taken up.

At the request of Senator Goode, the above amendment was withdrawn.

Senator Childers moved that **SS** for **SCS** for **HB 1041**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SS** for **SCS** for **HB 1041**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators			
Goode			
Rohrbach--2			
Absent--Senators			
Coleman	Gibbons	Klarich	Mathewson
Quick	Singleton--6		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Rohrbach	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators			
Caskey	Goode	Russell	Schneider--4
Absent--Senators			
Coleman	Klarich	Mathewson	Quick--4
Absent with leave--Senator DePasco--1			

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HBs 1654** and **1156**, with **SCS**; **SS** for **SCS** for **HB 1270** and **HB 2032**; and **HS** for **HCS** for **HB 1650**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Westfall moved that the vote by which **SS** for **SCS** for **HB 1270** and **HB**

2032, as amended, was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Rohrbach	Russell
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Coleman	Loudon	Mathewson	Quick
Schneider	Singleton	Staples--7	
Absent with leave--Senator DePasco--1			

Senator Rohrbach assumed the Chair.

Having voted on the prevailing side, Senator Klarich moved that the vote by which **SA 4** was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Caskey--1			
Absent--Senators			
Mathewson	Quick	Singleton	Staples--4
Absent with leave--Senator DePasco--1			
SA 4 was again taken up.			

At the request of Senator Klarich, **SA 4** was withdrawn.

Senator Westfall moved that **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Bland	Gross--2		

Absent--Senators

Klarich
Staples--5

Mathewson

Quick

Singleton

Absent with leave--Senator DePasco--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley
Coleman
House
Kenney
Rohrbach
Stoll

Caskey
Dougherty
Jacob
Kinder
Russell
Westfall

Cauthorn
Foster
Johnson
Klindt
Sims
Wiggins

Childers
Goode
Kennedy
Loudon
Steelman
Yeckel--24

NAYS--Senators--None

Absent--Senators

Bland
Mathewson
Staples--9

Gibbons
Quick

Gross
Schneider

Klarich
Singleton

Absent with leave--Senator DePasco--1

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 1695**, with **SCS**; and **HS** for **HCS** for **HBs 1729, 1589** and **1435**, to the Committee on State Budget Control.

President Pro Tem Kinder referred **HCR 40** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HB 1748, introduced by Representative Ransdall, et al, entitled:

An Act to repeal section 640.100, RSMo, and to enact in lieu thereof one new section relating to drinking water primacy fees.

Was called from the Informal Calendar and taken up by Senator Steelman.

Senator Steelman offered **SS** for **HB 1748**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1748

An Act to repeal sections 247.040, 393.705, 393.847, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof seventeen new sections relating to water resources, with an emergency clause.

Senator Steelman moved that **SS** for **HB 1748** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1748, Page 1, Section A, Line 6, of said page, by inserting immediately after said line the following:

"247.030. 1. Territory that may be included in a district sought to be incorporated or enlarged may be wholly within one or in more than one county, may take in school districts or parts thereof, and cities that do not have a waterworks system or cities whose governing body has by a majority vote requested that the city or part thereof be included within the boundaries of a public water supply district. For the purpose of this section, "city" means any city, town or village. The territory, however, shall be contiguous, and proceedings to incorporate shall be in the circuit court of the county in which the largest acreage is located. No two districts shall overlap.

2. Any two or more contiguous districts or any city and a contiguous district may, if there are no outstanding general obligation bonds relating to drinking water supply projects in either entity, by a majority vote of the governing body of each entity, provide for territory located in one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of the proposed annexation shall be filed with the circuit court that originally issued the decree of incorporation for a district which is detaching territory through the proposed annexation or with the circuit court that originally issued the decree of incorporation for a district which is including a city or part thereof through the proposed annexation. The court shall set a date for a hearing on the proposed annexation and shall cause notice to be published in the same manner as for the filing of the original petition for incorporation; except that publication of notice shall not be required if a majority of the landowners in the territory proposed to be annexed consent in writing, and if notice of the hearing is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing. If publication of the notice is not required pursuant to this section, the court shall only approve the proposed annexation if there is sworn testimony by at least five landowners in the area of the proposed annexation, or a majority of the landowners, if there are fewer than ten landowners in the area. If the court, after the hearing, finds that the proposed annexation would not be in the public interest, it shall order that the annexation not be allowed. If the court finds the proposed annexation to be in the public interest, it shall approve the annexation and the territory shall be detached from the one entity and annexed to the other. After the annexation is approved, the circuit court in which each district involved in the proceedings was incorporated shall amend the decree of incorporation for each district to reflect the change in the boundaries as a result of the annexation and to redivide each district into five subdistricts, fixing their boundary lines so that each of the five subdistricts have approximately the same area. A certified copy of the amended decree showing the boundary change and the new subdistricts shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county having territory in the district and in the office of the secretary of state of the state of Missouri.

3. The boundaries of any district may be extended or enlarged from time to time upon the filing, with the clerk of the circuit court having jurisdiction, of a petition by either:

(1) The board of directors of the district and five or more voters **or landowners** within the territory proposed to be annexed by the district; or

(2) **The board of directors of the district and** a majority of the landowners within the territory proposed to be annexed to the district.

If the petition is filed by the board of directors of the district and five or more voters or landowners within the territory proposed to be annexed by the district, the same proceedings shall be followed as are provided in section 247.040 for the filing of a petition for the organization of the district, except that no election shall be held. Upon entry of a final order declaring the court's decree of annexation to be final and conclusive, the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. If the petition is filed by **the board of directors of the district and** a majority of the landowners within the territory proposed to be annexed, the publication of notice shall not be required, provided notice is posted in three public places within the

territory proposed to be annexed at least seven days before the date of the hearing and provided that there is sworn testimony by at least five landowners in the territory proposed to be annexed, or a majority of the landowners if the total landowners in the area are fewer than ten. **If the court finds that the annexation of such territory would be in the public interest, the court shall enter its order granting such annexation.** Upon the entry of [a final] **such** order [declaring the court's decree of annexation to be final and conclusive], the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district be enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors of the district.

4. Should any [voter] **landowner** who owns real estate that abuts upon a district once formed desire to have such real estate incorporated in the district, the [voter] **landowner** shall first petition the board of directors thereof for its approval. If such approval be granted, the clerk of the board shall endorse a certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the district is incorporated. It shall then be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate in the same. A certified copy of this decree including the real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

247.031. 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in **or by landowners owning land in** the territory sought to be detached. If there are more than ten voters **and landowners** in such territory, the petition shall be signed by five or more voters [residing in] **or landowners within** the territory; if there are less than ten voters [residing in] **and landowners within** such territory, the petition shall be signed by fifty percent or more of the voters [residing in] **and landowners within** the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in [twenty consecutive issues of] a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF

..... COUNTY, MISSOURI

NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM

PUBLIC WATER SUPPLY DISTRICT NO.

OF COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law: (Describe tracts of land).
2. That a hearing on said petition will be held before this court on the day of, 20 ..., at,m.
3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.
4. The names and addresses of the attorneys for the petitioner are:

.....

Clerk of the Circuit Court of

..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.
4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.
5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors
6. A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners."; and

Further amend said bill, Pages 1 to 6, Section 247.040, by striking all of said section and inserting in lieu thereof the following:

"247.040. 1. Proceedings for the formation of a public water supply district shall be substantially as follows: a petition in duplicate describing the proposed boundaries of the district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situate, or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of the improvement, an approximation of the assessed valuation of taxable property within the district and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash

deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by not less than fifty voters **or owners of real property** within the proposed district and shall pray for the incorporation of the territory therein described into a public water supply district. The petition shall be verified by at least one of the signers thereof.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than [fifteen] **seven** nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in [twenty successive issues of] a daily newspaper **once a week for three consecutive weeks**.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the formation of a district, or to the boundaries outlined in the petition for the incorporation thereof, may be made by any voter **or owner of real property** in the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made.

If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that the petition should be granted but that changes should be made in the boundary lines, it shall make such changes in the boundary lines as set forth in the petition as to the court may seem meet and proper, and thereupon enter its decree of incorporation, with such boundaries as changed.

5. Should the court find that it would not be to the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the formation of such district, the court shall enter its decree of incorporation, setting forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid hearing. The decree of incorporation shall also divide the district into five subdistricts and shall fix their boundary lines, all of which subdistricts shall have approximately the same area and shall be numbered. The decree shall further contain an appointment of one voter from each of such subdistricts, to constitute the first board of directors of the district. No two members of such board so appointed or hereafter elected or appointed shall reside in the same subdistrict, except as provided in section 247.060. If no qualified person who lives in the subdistrict is willing to serve on the board, the court may appoint, or the voters may elect, an otherwise qualified person who lives in the district but not in the subdistrict. The court shall designate two of such directors so appointed to serve for a term of two years and one to serve for a term of one year. And the directors thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as herein provided. The decree shall further designate the name and number of the district by which it shall hereafter be officially known.

6. The decree of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of the voters as provided in subsection 9 of this section or by two-thirds of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of two-thirds of the voters of the district voting on such proposition, then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of incorporation to be final and

conclusive. In the event, however, that the court should find that the question had not been assented to by the majority above required, the court shall enter a further order declaring such decree of incorporation to be void and of no effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid orders. In the event that the court declares the decree of incorporation to be final, as herein provided for, the clerk of the circuit court shall file certified copies of such decree of incorporation and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county commission of the county or counties in which the district is situate.

8. The costs incurred in the formation of the district shall be taxed to the district, if the district be incorporated otherwise against the petitioners.

9. If petitioners seeking formation of a public water supply district specify in their petition that the district to be organized shall be organized without authority to issue general obligation bonds, then the decrees relating to the formation of the district shall recite that the district shall not have authority to issue general obligation bonds and the vote required for such a decree of incorporation to become final and conclusive shall be a simple majority of the voters of the district voting on such proposition."; and

Further amend said bill, Page 6, Section 247.040, Line 12 of said page, by inserting after all of said line the following:

"247.217. 1. Any two or more contiguous public water supply districts organized under the provisions of sections 247.010 to 247.220 may be consolidated into a single district by a decree of the circuit court in which the district with the largest acreage was originally incorporated and organized.

2. Proceedings for consolidation of such districts shall be substantially as follows: The board of directors of each of the districts to be consolidated shall authorize, by resolution passed at a regular meeting or a special meeting called for such purpose, its president, on behalf of the district, to petition the circuit court having jurisdiction for consolidation with any one or more other contiguous public water supply districts.

3. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for a hearing thereon and the clerk shall give notice thereof in some newspaper of general circulation in each county in which each of the districts proposed to be consolidated is located.

4. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF

COUNTY, MISSOURI

NOTICE OF THE FILING OF A PETITION FOR CONSOLIDATION OF

PUBLIC WATER SUPPLY

DISTRICT NO., OF COUNTY,

MISSOURI, AND PUBLIC WATER

SUPPLY DISTRICT

NO., OF COUNTY, MISSOURI

(Additional districts may be named as required.)

To all voters, **landowners, and interested persons** within the boundaries of the above-described public water supply districts:

You are hereby notified:

1. That a petition has been filed in this court for the consolidation of the above-named public water supply districts into one public water supply district, as provided by law.
2. That a hearing on said petition will be held before this court on the..... day of....., [19] **20**...., at.....,m.
3. Exceptions or objections to the consolidation of said districts may be made by any voters **or landowners** of any of such districts proposed to be consolidated, provided such exceptions or objections are filed in writing not less than five days prior to the date set for the hearing on the petition.
4. The names and addresses of the attorneys for the petitioner are:

Clerk of the Circuit Court of

..... County, Missouri

5. The notice shall be published in three consecutive issues of a weekly newspaper in each county in which any portion of any district proposed to be consolidated lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of any district proposed to be consolidated lies; the last insertion of such notice to be made not less than seven nor more than twenty-one days before the hearing.
6. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.
7. Exceptions or objections to the consolidation of such districts may be made by any voter **or landowner** within the boundaries of the proposed district. The exceptions or objections shall be in writing and shall specify the grounds upon which the same are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration in passing upon the petition for consolidation and shall also consider the evidence in support of the petition. If the court finds that the consolidation will provide for the rendering of necessary water service in the districts, and is in the best interest of the voters **and the landowners** of the district, it shall, by its decree, approve such consolidation. The decree of consolidation shall set an effective date for the consolidation of the districts and shall provide that the proposed consolidated district shall be divided into five subdistricts and shall fix boundary lines of each subdistrict, all of which subdistricts shall have approximately the same area and shall be numbered.
8. The decree of consolidation shall not become final and conclusive until it has been submitted to voters in each of the districts proposed to be included in the consolidated district.
9. If, upon canvass and declaration of the results, it is found and determined that the question has been assented to by a majority of the voters of each district voting on the question, the court shall issue its order declaring the results of the elections, declaring its previous decree of consolidation to be final and conclusive, and in addition, the decree shall provide for an election of a director from each of the subdistricts set forth in the decree of the court as specified in subsection 7 of this section. The terms of office for the directors elected at such election shall be as follows: The director elected from the subdistrict designated by the circuit court as number one shall serve until the next regular election, or until his successor has been elected and qualified; those directors elected from the subdistricts designated by the circuit court as numbers two and three shall serve until the regular election following the next regular election or until their successors have been elected and qualified; those directors elected from the subdistricts designated by the circuit court as numbers four and five shall serve until the annual regular election following the next two regular elections, or until their successors have been elected and qualified. Thereafter all directors shall be elected as provided by sections 247.010 to 247.220. The election shall be held at least thirty days before the effective date of the consolidation. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction and the court shall thereupon enter its order naming the directors from each subdistrict.

10. The eligibility and requirements for a director for a consolidated district shall be identical with those set forth in section 247.060 and no two members of the board shall reside in the same subdistrict. Any candidate shall have his name imprinted upon the ballot, provided he shall file a declaration of intention to become such a candidate with the clerk of the circuit court.

11. In its final decree, the court shall designate a name for the consolidated district which shall be as follows:
Consolidated Public Water Supply District No., of..... County, Missouri.

12. On the effective date of the consolidation of the districts, the newly elected directors shall organize in the same manner as is provided in sections 247.010 to 247.220, and all of such provisions shall apply to consolidated public water supply districts in the same manner as to other public water supply districts.

13. At the time of the effective date of the consolidation, all the property of the original districts shall be combined and administered as one unit, which shall be subject to the liens, liabilities and obligations of the original districts, provided that if any district included in the consolidated district has issued general obligation bonds which are outstanding at the time of the consolidation, any taxes to be levied to pay the bonds and interest thereon shall be levied only upon the property within the original district issuing the bonds as it existed on the date of such issuance. All special obligation or revenue bonds issued by any district included in the consolidated district shall be paid in accordance with the terms thereof, without preference, from the revenue received by the consolidated district.

14. A certified copy of the decrees of the court shall be filed in the office of the recorder and in the office of the county clerk in each county in which any part of the consolidated district is located, and in the office of the secretary of state. Such copies shall be filed by the clerk of the circuit court and the filing fees shall be taxed as costs.

247.220. 1. Proceedings for the dissolution of a public water supply district shall be substantially the same as proceedings for the formation of such a district, as follows: A petition describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the circuit court of the county wherein the subject district is situate, or with the clerk of the circuit court of the county having the largest acreage within the boundaries of the subject district, in the event that the subject district embraces lands in more than one county. Such petition, in addition to such boundary description, shall allege that further operation of the subject district is inimicable to the best interests of the inhabitants of the district, that the district should, in the interest of the public welfare and safety, be dissolved, that an alternative water supplier is available and better able to supply water to the inhabitants of the district, and such other information as may be useful to the court in determining whether [or not] the petition should be granted and a decree of dissolution entered. Such petition shall **also include a detailed plan for payment of all debt and obligations of the district at the time of dissolution. Such petition shall** be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding and the petition shall be signed by not less than one-fifth of the registered voters from each subdistrict, or fifty registered voters from each subdistrict, whichever is less, within the subject district. The petition shall be verified by at least one of the signers thereof **and shall be served upon the board of directors of the district as provided by law. The district shall be a party, and if the board of directors in its discretion determines that such dissolution is not in the public interest, the district shall oppose such petition and pay all cost and expense thereof.**

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as provided in this section. Thereupon, the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the subject boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than [fifteen] **seven** nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final

disposition thereof.

4. Exceptions to the dissolution of a district may be made by any voter **or landowner** of the [subject] district[;], **and by the district as herein** provided[,]; such exceptions [are] **shall be** filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are filed and the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. **Unless petitioners prove that all debts and financial obligations of the district can be paid in full upon dissolution, the petition shall be dismissed at the cost of the petitioners.**

5. Should the court find that it would not be to the public interest to dissolve a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the petitioners, the court shall enter its interlocutory decree of dissolution which decree shall provide for the submission of the question to the voters of the district in substantially the following form:

Shall Public Water Supply District be dissolved?

6. The decree of dissolution shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of [four-sevenths] **two-thirds** of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the election authority to the circuit court having jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of [four-sevenths] **two-thirds** of the voters of the district voting on such proposition then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of dissolution to be final and conclusive. In the event, however, that the court should find that the question had not been assented to by the majority required, the court shall enter a further order declaring such decree of dissolution to be void and of no effect. No appeal shall lie from any of the aforesaid orders. In the event that the court declares the decree of dissolution to be final, as provided in this section, the clerk of the circuit court shall file certified copies of such decree of dissolution and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county commission of the county or counties in which the district is situate.

8. Notwithstanding anything in this section to the contrary, no district shall be dissolved until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall provide for the disposition of the property of the district."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Westfall assumed the Chair.

Senator Gross offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 1748, Page 40, Section 1, Line 5, by inserting after all of said line the following:

"Section 2. Notwithstanding the provisions of chapter 34, RSMo, to the contrary, any levee district in a county with a charter form of government and a population of at least two hundred fifty thousand but less than three hundred thousand inhabitants, when a grant is approved pursuant to sections 644.006 to 644.141, RSMo, the grant funds have not been distributed, and such levee district requests a waiver of the bidding requirements of

chapter 34, RSMo, pursuant to section 644.061, RSMo, such district shall receive the waiver from the department of natural resources to exempt the contract from such bidding requirements, provided that such levee district meets the requirements of the Federal Acquisition Regulation Part 19.000. When the levee district completes the requirements under the Federal Acquisition Regulation Part 19.000, and to the satisfaction of the U.S. Army Corp of Engineers, the department shall release the grant award. The provisions of this section shall expire on December 31, 2002."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 1748, Page 21, Section 644.036, Line 23, by inserting after all of said line the following:

"6. Any classification of a stream segment or the assignment of any standard or designated use to a stream segment shall be adopted by rule pursuant to chapter 536, RSMo, and be based on clear and convincing evidence that the benefits of stream segment classification and associated water quality standards outweigh the social, economic or regulatory costs to the state and the regulated community.

7. For any classified stream segment assigned the designated use of whole body contact, the commission must demonstrate by clear and convincing evidence that during the period from April first through October thirty-first of each year; such stream segment is open to and accessible by the public and is capable of supporting the whole body contact activities of swimming, skin diving and water-skiing where the body is intended to be completely immersed in surface water to the extent that some inadvertent ingestion of water is probable."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 1748, Page 9, Section 393.847, Line 11, by inserting after all of said line the following:

"393.1012. 1. As used in sections 393.1012 to 393.1014, the following terms mean:

(1) "Appropriate pretax revenues", the revenues necessary to:

(a) Produce net operating income equal to the water corporation's weighted cost of capital multiplied by the net original cost of eligible infrastructure system replacements; and

(b) Include state, federal and local income or excise taxes applicable to such income;

(2) "Commission", shall refer to the Missouri public service commission;

(3) "ISRC", infrastructure system replacement charge;

(4) "ISRC costs", depreciation expense and appropriate pretax revenues associated with eligible infrastructure system replacements;

(5) "ISRC revenues", revenues produced through an ISRC exclusive of revenues from all other rates and charges;

(6) "Eligible infrastructure system replacements", new water utility plant projects that are used and useful and that:

(a) Do not increase revenues by directly connecting the infrastructure replacement to new customers;

(b) Are in service;

(c) Were not included in the water corporation's rate base in its most recent general rate case; and

(d) Replace an existing infrastructure;

(7) "Water corporation", includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water as defined in section 386.020, RSMo.

2. Immediately upon effectuation of this statute, a water corporation providing water service in a county of the first classification having a population of over nine hundred thousand inhabitants may file a petition with the commission to establish or change ISRC rate schedules that will allow for the adjustment of the water corporation's rates and charges per a separate line billing item to provide for the recovery of prudently incurred ISRC costs for eligible infrastructure system replacements. This charge shall not apply to those customers classified as "industrial" by the public service commission. The commission may not approve an ISRC to the extent it would produce total ISRC revenues exceeding ten percent of the water corporation's base revenue level approved by the commission in the water corporation's most recent general rate proceeding. This charge and any future changes shall be implemented in accordance with section 393.1014. The ISRC shall be subject to a refund based upon a finding and order of the commission.

393.1014. 1. The water corporation shall serve the office of the public counsel a copy of its filing at the time of its filing with the commission.

2. (1) When a petition is filed pursuant to sections 393.1012 to 393.1014, the commission shall conduct an examination of the proposed rate.

(2) The staff of the commission may examine information of the water corporation to confirm that the underlying costs are in accordance with this section, to confirm proper calculation of the proposed charge, and may submit a report to the commission not later than sixty days after the petition is filed.

(3) The commission may hold a hearing and shall issue an order not later than one hundred twenty days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of this section, the commission shall enter an order authorizing the corporation to impose a charge that is sufficient to recover appropriate pretax revenue and depreciation, as determined by the commission pursuant to the provisions of this section; provided that the commission shall only allow charges to apply to customers receiving a benefit or shall prorate the charge according to the benefit received by the customers.

3. A water corporation may file a petition for a change in its rate under this section no more often than one time every twelve months.

4. In determining the appropriate pretax revenue, the commission may consider the following factors:

(1) The current state, federal and local income tax or excise rates;

(2) The water corporation's actual regulatory capital structure as determined at the most recent general rate

proceeding of the water corporation;

(3) The actual cost rates for the water corporation's debt and preferred stock as determined at the most recent general rate proceeding of the water corporation;

(4) The water corporation's cost of common equity as determined at the most recent general rate proceeding of the water corporation.

5. The charge may be calculated based on a reasonable estimate of revenues in the period in which the charge will be in effect. At the end of each twelve month calendar period the charge is in effect, the water corporation shall reconcile the differences between the revenues resulting from the charge and the underlying costs during that period and shall submit the reconciliation and adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustment of the charge.

6. A water corporation that has implemented a charge pursuant to section 393.1012 shall file revised rate schedules to adjust the charge when new base rates and charges become effective for the water corporation following a commission order authorizing a general increase in rates and charges that includes in the utility's rate base eligible costs previously reflected in the charge.

7. The filing of a charge pursuant to this section and a change in such charge is not a general increase in base rates and charges.

8. The commission may adopt by order other procedures not inconsistent with this chapter that the commission finds reasonable or necessary to administer these charges."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Goode offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for House Bill No. 1748, Page 2, Section 393.1012, Lines 21-23, by deleting all of said lines and inserting in lieu thereof the following: "**ISRC costs for eligible infrastructure system replacements. The commission**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2** to **SA 4**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for House Bill No. 1748, Page 5, Section 393.1014, Line 4, by inserting immediately after the word "**charges.**" the following: "9. The provisions of sections 393.1012 to 393.1014 shall terminate December 31, 2007.".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Goode moved that the above amendment, as amended, be adopted, which motion prevailed.

Senator Childers offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 1748, Page 38, Section 701.034, Line 5, by inserting after "contrary," on said line the following: "**The department shall approve for installation any alternative technologies tested and approved for such applications by a community college or other institution of higher education or**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SS** for **HB 1748**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **HB 1748**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Russell	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
NAYS--Senator Rohrbach--1			
Absent--Senators			
Bentley	Coleman	Gibbons	Klarich
Mathewson	Quick	Schneider	Singleton--8
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Goode	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Russell
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
NAYS--Senator Rohrbach--1			
Absent--Senators			
Bentley	Coleman	Gibbons	Gross
Klarich	Mathewson	Quick	Schneider
Singleton--9			
Absent with leave--Senator DePasco--1			

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Russell moved that **SB 859**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Goode	Gross
Jacob	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Rohrbach
Russell	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
NAYS--Senators--None			
Absent--Senators			
Bentley	Coleman	Gibbons	House
Klarich	Mathewson	Quick	Schneider
Singleton--9			
Absent with leave--Senator DePasco--1			

HA 2 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Dougherty	Foster	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins--25			
NAYS--Senators--None			
Absent--Senators			
Childers	Coleman	Gibbons	Klarich
Mathewson	Quick	Staples	Yeckel--8
Absent with leave--Senator DePasco--1			

On motion of Senator Russell, **SB 859**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Dougherty	Foster	Goode	House
Jacob	Johnson	Kennedy	Kinder
Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins--23	
NAYS--Senators--None			
Absent--Senators			

Childers	Coleman	Gibbons	Gross
Kenney	Klarich	Mathewson	Quick
Staples	Yeckel--10		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **HB 2023**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

PRIVILEGED MOTIONS

Senator Schneider, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 795**, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE

REPORT NO. 2 ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 795

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 795 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 795;
2. That the Senate recede from its position on Senate Bill No. 795;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 795, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Schneider
 /s/ Wayne Goode
 /s/ David J. Klarich
 /s/ Sarah Steelman
 /s/ Michael R. Gibbons

FOR THE HOUSE:

/s/ Joseph L. Treadway
 /s/ Wes Shoemyer
 /s/ Mark Hampton
 /s/ Dr. Charles Portwood
 /s/ Robert J. Behnen

Senator Schneider moved that the conferees be allowed to exceed the differences and that the conference committee report be adopted.

Senator Singleton raised the point of order that the Conference Committee Report No. 2 for **HCS** for **SB 795** is out of order, as it exceeds the differences between the bodies.

President Pro Tem Kinder ruled the point of order not well taken.

Senator Loudon requested a division of the question on Senator Schneider's motion, asking that a vote first be taken on allowing the conferees to exceed the differences and that a second vote be taken on the adoption of the Conference Committee Report, which request was granted.

Senator Schneider renewed his motion to allow the conferees to exceed the differences, which motion prevailed.

Senator Schneider moved that Conference Committee Report No. 2 for **HCS** for **SB 795** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Foster	Goode
House	Johnson	Kennedy	Kenney
Kinder	Klindt	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
NAYS--Senators			
Loudon	Singleton--2		
Absent--Senators			
Dougherty	Gibbons	Gross	Jacob
Klarich	Mathewson	Quick	Staples--8
Absent with leave--Senator DePasco--1			

On motion of Senator Schneider, **CCS No. 2** for **HCS** for **SB 795**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR HOUSE COMMITTEE SUBSTITUTE

FOR SENATE BILL NO. 795

An Act to amend chapter 650, RSMo, by adding thereto nine new sections relating to emergency communication systems.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senator Singleton--1			

Bentley	Absent--Senators		
Mathewson	Gibbons	Jacob	Klarich
	Quick--6		
	Absent with leave--Senator DePasco--1		

The President Pro Tem declared the bill passed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1143**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HB 1196, with **SCS**, introduced by Representative Barnett, et al, entitled:

An Act to repeal section 226.200, RSMo, and to enact in lieu thereof one new section relating to the state highways and transportation department fund.

Was called from the Informal Calendar and taken up by Senator Westfall.

SCS for **HB 1196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1196

An Act to repeal sections 142.803, 144.020, 144.700, 144.805, 155.080 and 226.200, RSMo, relating to measures to increase funding for transportation, and to enact in lieu there of nine new sections relating to the same subject, with a referendum clause, effective date and a contingent termination date for certain sections.

Was taken up.

Senator Westfall moved that **SCS** for **HB 1196** be adopted.

Senator Gross assumed the Chair.

Senator Westfall offered **SS** for **SCS** for **HB 1196**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1196

An Act to repeal sections 136.055, 142.803, 144.805, 155.080, 226.200, 226.540, 226.550, 226.573, 226.580, 226.585, 227.100 and 305.230, RSMo, relating to funding for transportation, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause for certain sections.

Senator Westfall moved that **SS** for **SCS** for **HB 1196** be adopted.

At the request of Senator Westfall, **HB 1196**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 837, 866, 972 and 990**, entitled:

An Act to repeal sections 142.028, 270.170, 275.464, 281.240, 281.260, 311.554, 348.430, 348.432, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893, 413.005, 413.015, 413.055, 413.065, 413.075, 413.085, 413.115, 413.125, 413.135, 413.145, 413.155, 413.165, 413.225, 413.227, and 414.032, RSMo, relating to agriculture, and to enact in lieu thereof thirty-two new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3, 4, 6, House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 7, House Amendment No. 2 to House Amendment No. 7, House Amendment No. 7, as amended and House Amendment No. 8.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, by inserting in the appropriate location the following sections:

"261.110. 1. The department of agriculture shall develop standards and labeling for organic farming.

2. The department of agriculture shall adopt rules to implement the provisions of this section.

3. The department may cooperate with any agency of the federal government, any state, any other agency in this state, any private entity or person engaged in growing, processing, marketing of organic products, or any group of such persons in this state, in programs to effectuate such purposes. Such agreements may provide for cost and revenue sharing, and for division of duties and responsibilities under this section and may include other provisions generally to effectuate the purposes of this section.

4. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

261.120. There is hereby created in the state treasury the "Organic Production and Certification Fee Fund". Fees imposed in accordance with rules promulgated under section 261.110, shall be credited to the organic production and certification fee fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 2, Section 142.028, Line 11, by deleting all of said line and inserting in lieu thereof the following: "located within the state of Missouri **and is at least fifty-one percent owned by agricultural producers actively engaged in agricultural production for commercial purposes** and which has made formal application, posted a bond, and"; and

Further amend said bill Page 22, section 413.115, Lines 1 to 3, by deleting all of said lines; and

Further amend said bill Page 23, section 413.115, Lines 4 to 12, by deleting all of said lines; and

Further amend said bill Page 27, Section 414.032, Lines 13 and 14, by deleting all of said lines and inserting in lieu thereof the following: "insure that these fuels conform to advertised grade and octane. In no event shall the penalty for a first violation of this section exceed a written reprimand."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 5, Section 142.031, Line 68, by inserting immediately after all of said line the following:

"254.020. As used in this chapter, the following words [shall have the following meanings] **mean:**

(1) [The word "commission" shall mean] **"Best management practices", forest management practices, as defined by the commission in consultation with the clean water commission, that ensure protection of water quality;**

(2) **"Commission"**, the conservation commission of Missouri [upon which, by the terms hereof impressed, are] **being responsible for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state are therefore** vested the responsibilities for the administration [hereof in conformity] **of this chapter in conformance** with sections 40 to 46 of article IV of the Constitution of Missouri; and the words "rules and regulations" shall mean those made by the commission pursuant thereto;

[(2)] **(3)** "Conservation commission fund" [as used in this chapter, shall mean], only the moneys arising from the additional sales and use taxes provided for in section 43(a) of article IV of the Constitution of Missouri;

[(3)] **(4)** "Forest croplands" [shall mean], those lands devoted exclusively to growing wood and timber, except for such other uses as shall be approved by the commission by regulations and which are tendered to the commission by any person and accepted and classified by the commission as such; and the commission shall prescribe the terms and conditions of such tender, acceptance and classification;

[(4) The word "person" shall mean] **(5) "Person"**, any individual, male or female, singular or plural, of whatever age[, and this term]. **The term person** shall include and refer to any owner, grantee, lessee, licensee, permittee, firm, association, copartnership, corporation, municipality or county, as the context may require;

(6) "Precommercial forestry activities", proper forest management activities, as defined by the commission, that do not generate an immediate profit for the landowner;

[(5) The title "state forester" shall mean] **(7) "State forester"**, the administrative head of the state forestry program;

(8) "Sustainable forestry principles", forest management activities, as defined by the commission, that ensure efficient use and continued availability of forest resources.

254.040. 1. Any person desiring to have lands designated as forest croplands shall submit an application [therefor] to the state forester on [form or] forms [to be] provided by the commission. The state forester [will] **shall** make or cause to be made an examination of the lands covered by [said] **such** application and shall forward a copy of [same] **such application**, together with his **or her** recommendations, to the commission. If the commission [approve and classify] **approves and classifies such** lands as forest croplands, they shall be subject to the provisions of this chapter and [such] rules and regulations **promulgated pursuant to this chapter.**

2. If the commission [refuse so] **refuses** to accept and classify [said] **such** lands, the applicant may appeal [from] the decision of the commission to the circuit court in which such lands, or major part [thereof] **of such lands**, are located and the decision of the circuit court in all such matters shall be final.

3. No application **to designate lands as forest croplands** shall be accepted for a tract of land containing less than twenty acres; and no such land shall be classified for tax relief if the value thereof shall exceed one hundred twenty-five dollars per acre or a greater value as set by regulation of the commission.

4. No application for the cost-share incentive program established in section 254.225 shall be accepted for lands designated as forest croplands.

254.225. 1. The commission may administer a forest landowner cost-share incentive program to promote sustainable forestry on private lands. Such program may provide reimbursement cost share for up to fifty percent of the cost of precommercial forestry activities on eligible lands. Eligible forestry activities shall be carried out in accordance with best management practices and sustainable forestry principles.

2. Any forest landowner may submit a program application to the state forester on forms provided by the commission. Application procedures and acceptance criteria shall be specified by the commission.

3. No application for such program shall be accepted for a tract of land containing less than forty acres. The total amount of incentives provided to any person shall not exceed five thousand dollars in any calendar year." ; and

Further amend said bill in the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 886, 972 and 990, Page 7, Section 281.217, Lines 8 and 9, by deleting the words "and agriculture".

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 16, Section 348.432, Line 85 of said page, by inserting after all of said line the following:

"407.592. Sections 407.585 to 407.592 shall apply to any new farm machinery sold after January 1, 1988, but no provision of sections 407.585 to 407.592 shall operate or be construed to invalidate, impair, or otherwise infringe upon the specific requirements of any contract between a dealer and a manufacturer entered into prior to September 28, 1987, and which is in effect on September 28, 1987; provided, however, that in any case wherein warranty repair work is performed for a consumer by a farm equipment dealer under the provisions of a manufacturer's express warranty, the manufacturer shall reimburse the dealer at an hourly labor rate that is the same or greater than the hourly labor rate the dealer currently charges consumers for nonwarranty repair work. **The dealer may accept the manufacturer's reimbursement terms and conditions in lieu of the above.**"; and

Further amend the title and enacting clause accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972, and 990, Page 2, Section 578.407, Line 30, by inserting in front of the word "photograph" the following:

"with the intent to commit a crime"; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO

HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972, and 990, Page 3, Section 578.409, Lines 11 and 12, by striking the following: **"for a violation of subdivision (7) of section 578.407 or"**.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972, and 990, by inserting the following in the appropriate location:

"578.405. 1. Sections 578.405 to 578.412 shall be known and may be cited as "The Animal Research and Production Facilities Protection Act".

2. As used in sections 578.405 to 578.412, the following terms mean:

(1) "Animal", every living creature, domestic or wild, but not including Homo sapiens;

(2) "Animal facility", any facility, **animal farming operation, business or organization** engaging in legal scientific research or agricultural production or involving the use of animals, including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any organization involved in the production of pet food or pet food research, and any organization with a primary purpose of representing any such person, organization, or institution. The term shall include the owner, operator, and employees of any animal facility [and], the offices [and], **barns, buildings, or other structures, the** vehicles of any such persons while engaged in duties related to the animal facility, and any [premises] **private property** where animals are located, **including but not limited to the barns or areas where the animals are pastured, housed, or otherwise quartered;**

(3) "Director", the director of the department of agriculture.

578.407. No person shall:

(1) Release, steal, or otherwise intentionally cause the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) Damage, vandalize, or steal any property in or on an animal facility;

(3) Obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) Enter or otherwise interfere with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

(5) Knowingly obtain, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals;

(6) Enter or remain on an animal facility with the intent to commit an act prohibited by this section;

(7) Photograph, videotape, or otherwise obtain images from within a structure that an animal is housed without the express written consent of the animal facility;

(8) Intentionally or knowingly release or introduce any pathogen or disease in or near an animal facility that has the potential to cause disease in any animal at the animal facility or which otherwise threatens human health or biosecurity at the animal facility.

578.409. 1. Any person who violates section 578.407:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or damage to the animal facility exceeds three hundred dollars in value;

(2) Shall be guilty of a class D felony **for a violation of subdivision (7) of section 578.407** or if the loss, theft, or damage to the animal facility property exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility property exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility exceeds one hundred thousand dollars in value.

2. Any person who intentionally agrees with another person to violate section 578.407 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.

3. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.407.

4. Any persons found guilty of a violation of section 578.407 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 3 of this section.

5. Any person who has been damaged by a violation of section 578.407 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in its business or property by a violation of section 578.407 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.407 **including any relief authorized under subsection 5 of this section**. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.

578.412. 1. The director shall have the authority to investigate any alleged violation of sections 578.405 to 578.412, along with any other law enforcement agency, and may [take any action within the director's authority necessary for the enforcement of sections 578.405 to 578.412] **initiate civil legal action in the circuit court of the county where the violation occurred**. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.405 to 578.412. No rule or portion of a rule promulgated under the authority of sections 578.405 to 578.412 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 4, Section 142.031, Line 9, by deleting all of said line and inserting in lieu thereof the following: "**and subject to appropriations with funds, other than general revenue funds, shall be used to**"; and

Further amend said bill Page 4, Section 142.031, Line 13, by deleting all of said line and inserting in lieu thereof the

following:

"3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant"; and

Further amend said bill Page 4, Section 142.031, Lines 15 to 17, by deleting all of said lines and inserting in lieu thereof the following: **"the grant for a total of sixty months unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty month time period. The amount of the grant is determined by calculating the number of gallons of qualified biodiesel produced during the preceding month from Missouri agricultural products, as certified by the department"; and**

Further amend said bill Page 4, Section 142.031, Line 17, by deleting all of said line and inserting in lieu thereof the following: **"Missouri agricultural products for the succeeding calendar month, as certified by the department"; and**

Further amend said bill Page 4, Section 142.031, Lines 19 to 35, by deleting all of said lines and inserting in lieu thereof the following: **"this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of fifteen million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section."; and**

Further amend said bill Page 4, Section 142.031, Line 37, by deleting all of said line and inserting in lieu thereof the following: **"fund, an application for such funds shall be received no later than"; and**

Further amend said bill Page 5, Section 142.031, Line 38, by deleting all of said line and inserting in lieu thereof the following: **"fifteen days following the first day of the month for which the grant is sought. The"; and**

Further amend said bill Page 5, Section 142.031, Line 42, by deleting all of said line and inserting in lieu thereof the following: **"biodiesel producer in the preceding month, if applicable"; and**

Further amend said bill Page 5, Section 142.031, Lines 45 to 47, by deleting all of said lines and inserting in lieu thereof the following: **"month;**

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;"; and

Further amend said bill Page 5, Section 142.031, Lines 56 to 60, by deleting all of said lines and inserting in lieu thereof the following: **"administration of the provisions of this section."; and**

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 680**, entitled:

An act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity, with an emergency clause.

With House Amendment No. 1, Part 2 of House Amendment No. 2, House Amendments Nos. 3, 4 and 5.

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, by inserting at the appropriate location the following section:

"34.375. 1. This section shall be known and may be cited as the "Missouri Calcium Initiative".

2. The purchasing agent for any governmental entity that purchases food or beverages to be processed or served in a building or room owned or operated by such governmental entity shall give preference to foods and beverages that:

(1) Contain a higher level of calcium than products of the same type and quality; and

(2) Are equal to or lower in price than products of the same type and quality.

3. Notwithstanding the provisions of subsection 2 of this section to the contrary, if a state institution determines that a high calcium food or beverage that is preferred pursuant to subsection 2 of this section will interfere with the proper treatment and care of a patient of such institution, the purchasing agent shall not be required to purchase the high calcium food or beverage for such patient.

4. The requirements of this section shall be in addition to any requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School Breakfast Program.

5. For purposes of this section, "governmental entity" means the state of Missouri, its departments, agencies, boards, commissions and institutions, and all school districts of the state. Governmental entity does not include political subdivisions of the state.

6. Notwithstanding the provisions of this section to the contrary, a purchasing agent who has entered into a contract with a supplier before July 1, 2002, to purchase food and beverages shall not be required to purchase high calcium foods and beverages if purchasing such products would change the terms of the contract."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Pages 6 and 7, Section 192.975, by deleting the words [shall] on Page 6, Line 23, and Page 7, Line 2, and insert the word "**may**"; and

Further amend Page 7, Line 7, by deleting the word [shall] and inserting the word "**should**", and delete Lines 16 and 17 of said page and renumber the remaining subsections accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Page 4, Section 192.975, Line 13, by deleting the words "twenty-two" and inserting in lieu thereof the following: "**twenty-three**"; and

Further amend said section, Page 6, Line 4, by inserting the following:

"(21) A representative of the Missouri State Chiropractors Association".

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Page 7, Section 192.975, Line 23, by inserting after all of said line the following:

"Section 1. 1. Notwithstanding any provision of the law to the contrary, until the provision of 208.151.1(25) RSMo 2001 is fully implemented at 100% of poverty, an otherwise eligible individual shall be eligible for payment of Medicaid allowable expenses in accordance with department of social services policy in effect on January 1, 2002. This section shall be null and void if after investigation, appeal and final determination, the Center for Medicare and Medicaid Services declares this policy violates the Medicaid program rules for a 209(b) state.

2. The Personal Independence Commission shall study the issue of spend down. Such study shall include but not be limited to: the effects of spend down on the population served; a comparison of Missouri's spend down program with similar programs in other states; develop alternatives that will serve the population's needs in a manner that is equitable but flexible to the needs and circumstances of the individual, encourages responsible utilization of the services and is fiscally responsible. By December 1, 2002, the Commission shall present its findings and recommendation to the Governor and General Assembly."; and

Further amend said bill in the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, by inserting in the appropriate location the following:

"660.099. 1. The general assembly may appropriate funds in addition to the amount currently being provided per annum for nutrition services for the elderly. Funds so designated to provide nutrition services for the elderly shall be allocated to the Missouri division of aging to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri.

2. The general assembly may appropriate funds in addition to the amount currently being provided per annum through the Missouri elderly and handicapped transportation program. Funds so designated to provide transportation for the elderly and developmentally disabled shall be allocated to the Missouri division of aging to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri.

3. The general assembly may appropriate funds in addition to the amount currently being provided per annum for home-delivered meals for the elderly. Such additional funds shall be allocated to the Missouri division of aging [to be placed on the formula basis] and distributed to each area agency on aging throughout the state of Missouri **based on the actual number of meals served in each area during the previous fiscal year.**"; and

Further amend said title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 718**, entitled:

An Act to repeal section 171.021, RSMo, and to enact in lieu thereof one new section relating to reciting the Pledge of Allegiance in public schools.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, entitled:

An Act to repeal sections 43.540, 542.261, 542.276, 556.061, 565.225, 565.253, 566.010, 566.030, 566.060, 566.090, 569.070, and 632.483, RSMo, and to enact in lieu thereof twenty-three new sections relating to the prosecution and prevention of sex crimes, with penalty provisions and an emergency clause.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, by inserting in the appropriate location the following:

"547.170. In all cases where an appeal or writ of error is prosecuted from a judgment in a criminal cause, except where the defendant is under sentence of death or imprisonment in the penitentiary for life, or a sentence of imprisonment for a violation of sections 195.222, RSMo, 565.021, RSMo, 565.050, RSMo, [or] subsections 1 and 2 of section 566.030, **566.032, 566.040, 566.060, 566.062, 566.070, 566.100**, RSMo, any court or officer authorized to order a stay of proceedings under the preceding provisions may allow a writ of habeas corpus, to bring up the defendant, and may thereupon let him to bail upon a recognizance, with sufficient sureties, to be approved by such court or judge."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 and 855, by inserting the following in the appropriate location:

"565.305. 1. As used in this section, the following words and phrases shall mean:

- (1) "Clone a human being" or "cloning a human being", genetic duplication or replication of a human being, whether living or deceased, regardless of the stage of development of such human being, from whom genetic material was donated or taken in order to complete such duplication or replication;**
- (2) "Public employee", any person employed by the state of Missouri or any agency or political subdivision thereof;**
- (3) "Public facilities", any public institution, public facility, public equipment, or any physical asset owned or leased, or controlled by the state of Missouri or any agency or political subdivision thereof;**
- (4) "Public funds", any funds received or controlled by the state of Missouri or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.**

2. No person shall knowingly clone a human being, or participate in cloning a human being.

3. No person shall knowingly use public funds to clone a human being or attempt to clone a human being.

4. No person shall knowingly use public facilities for the purpose of cloning a human being or attempting to clone a human being.

5. No public employee shall knowingly allow any person to clone a human being or attempt to clone a human being while making use of public funds or public facilities.

6. Violation of subsections 2 to 5 of this section shall be a class B felony."; and

Further amend the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1266**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 892**, entitled:

An Act to repeal sections 214.270 and 214.387, RSMo, and to enact in lieu thereof two new sections relating cemeteries.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Westfall moved that **HB 1196**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 1196** was again taken up.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1196, Page 8, Section 226.200, Line 5, by inserting at the end of said line the following: "**Appropriations to the highway patrol from the state highways and transportation department fund shall be made in accordance with article IV, section 30(b) of the Missouri Constitution. Appropriations allocated from the state highways and transportation department fund to the highway patrol shall only be used by the highway patrol to administer and enforce state motor vehicle laws or traffic regulations. Beginning July 1, 2007, any activities or functions conducted by the highway patrol not related to enforcing or administering state motor vehicle laws or traffic regulations shall not be funded by the state highways and transportation department fund, but shall be funded from general revenue or any other applicable source. Any current funding from the highways and transportation department fund used for activities not related to enforcing state motor vehicle laws or traffic regulations shall expire on June 30, 2007. The state auditor shall annually audit and examine the appropriations made to the highway patrol to determine whether such appropriations are actually being used for administering and enforcing state motor vehicle laws and traffic regulations pursuant to the constitution. The state auditor shall submit its annual findings to the general assembly by January fifteenth of each year.**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1196, Page 1, Section A, Line 6, by

inserting after all of said line the following:

"34.203. The provisions of sections 34.203 to 34.215 shall be known and may be cited as the "Open Contracting Act".

34.206. The provisions of sections 34.203 to 34.215 are to prohibit public agencies from imposing certain labor requirements as a condition of performing public works.

34.209. The state and political subdivisions, agencies and instrumentalities thereof, when engaged in procuring products or services or letting contracts for manufacture of public works, or overseeing such procurement, construction or manufacture, shall ensure that bid specification, project agreements and other controlling documents, entered into, required or subject to approval by the subdivision, agency or instrumentality, do not:

(1) Require bidders, offerors, contractors or subcontractors to enter into or adhere to agreements with one or more labor organizations on the same or related projects;

(2) Discriminate against bidders, offerors, contractors or subcontractors for refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations on the same or related construction projects; or

(3) Require any bidder, offeror, contractor or subcontractor to enter into, adhere to or enforce any agreement that requires its employees as a condition of employment to:

(a) Become members of or become affiliated with a labor organization; or

(b) Pay dues or fees to a labor organization, over an employee's objection, in excess of the employee's share of labor organization costs relating to collective bargaining, contract administration or grievance adjustment.

34.212. 1. The state and political subdivisions and any agencies or instrumentalities thereof shall not issue grants or enter into cooperative agreements for construction projects a condition of which requires that bid specifications, project agreements or other controlling documents pertaining to the grant or cooperative agreement contain any of the elements specified in section 34.209.

2. The state and political subdivisions or any agencies or instrumentalities thereof shall exercise such authority as may be required to preclude a grant recipient or party to a cooperative agreement from imposing any of the elements specified in section 34.209 in connection with any grant or cooperative agreement awarded or entered into.

34.215. Any interested party, which shall include a bidder, offeror, contractor, subcontractor, or taxpayer, shall have any standing to challenge any bid specification, project agreement, controlling document, grant or cooperative agreement which violated the provisions of sections 34.203 to 34.215, and shall be awarded costs and attorney's fees in the event that the challenge prevails."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Westfall raised the point of order that **SA 2** is out of order, as it goes beyond the scope and intent of the underlying legislation.

President Pro Tem Kinder ruled the point of order well taken.

Senator Westfall moved that **SS for SCS for HB 1196**, as amended, be adopted, which motion prevailed.

Senator Westfall moved that **SS for SCS for HB 1196**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HB 1196**, as amended, to the Committee on State Budget Control.

HCS for **HB 1403**, with **SCS**, entitled:

An Act to amend chapter 436, RSMo, by adding thirteen new sections relating to retainage in private building contracts.

Was called from the Informal Calendar and taken up by Senator Foster.

SCS for **HCS** for **HB 1403**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1403

An Act to amend chapter 436, RSMo, by adding thereto ten new sections relating to retainage in private building contracts.

Was taken up.

Senator Foster moved that **SCS** for **HCS** for **HB 1403** be adopted.

Senator Foster offered **SS** for **SCS** for **HCS** for **HB 1403**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1403

An Act to amend chapter 436, RSMo, by adding thereto thirteen new sections relating to retainage in private building contracts.

Senator Foster moved that **SS** for **SCS** for **HCS** for **HB 1403** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1403, Page 6, Section 436.327, Line 5-13, by deleting such section and inserting in lieu thereof, the following:

"436.327. The project shall be deemed to have reached substantial completion upon the occurrence of the earlier of the architect or engineer issuing a certificate of substantial completion in accordance with the terms of the contract documents or the owner accepting the performance of the full contract."

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1403, Page 2, Section 436.306, Line 21, following the word "security" by inserting the following:

"Not to exceed five percent of the amount due pursuant to the contract or agreement between an owner and a contractor."

Senator Bentley moved that the above amendment be adopted, which motion failed.

Senator Foster moved that **SS** for **SCS** for **HCS** for **HB 1403**, as amended, be adopted, which motion prevailed.

On motion of Senator Foster, **SS** for **SCS** for **HCS** for **HB 1403**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Cauthorn	Childers	Dougherty	Foster
Gibbons	Johnson	Kennedy	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--21			
NAYS--Senators			
Bentley	Bland	Caskey	Coleman
Goode	Gross	Jacob	Klindt
Rohrbach	Singleton--10		
Absent--Senators			
House	Staples--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Singleton assumed the Chair.

HS for **HB 1455**, with **SCS**, entitled:

An Act to repeal sections 86.200, 86.213, 86.251, 86.254, 86.255, 86.256, 104.625, and 104.1024, RSMo, and to enact in lieu thereof thirteen new sections relating to public retirement systems, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Gross.

SCS for **HS** for **HB 1455**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1455

An Act to repeal sections 87.207, 104.050, 104.095, 104.110, 104.140, 104.250, 104.254, 104.270, 104.335, 104.344,

104.350, 104.374, 104.380, 104.400, 104.436, 104.438, 104.515, 104.540, 104.601, 104.620, 104.625, 104.800, 104.1015, 104.1018, 104.1021, 104.1024, 104.1039, 104.1054, 104.1066, 104.1072, 104.1075, 104.1200, 104.1210, 104.1215 and 476.517, RSMo, and to enact in lieu thereof forty-one new sections relating to public retirement systems, with an emergency clause.

Was taken up.

Senator Gross moved that **SCS** for **HS** for **HB 1455** be adopted.

Senator Gross offered **SS** for **SCS** for **HS** for **HB 1455**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1455

An Act to repeal sections 50.1020, 50.1040, 87.207, 104.050, 104.095, 104.110, 104.140, 104.250, 104.254, 104.270, 104.335, 104.344, 104.350, 104.374, 104.380, 104.400, 104.436, 104.438, 104.515, 104.540, 104.601, 104.620, 104.625, 104.800, 104.1015, 104.1018, 104.1021, 104.1024, 104.1039, 104.1054, 104.1066, 104.1072, 104.1075, 104.1093, 104.1200, 104.1210, 104.1215, 217.665 and 476.517, RSMo, and to enact in lieu thereof forty-six new sections relating to public retirement systems, with an emergency clause.

Senator Gross moved that **SS** for **SCS** for **HS** for **HB 1455** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 44, Section 104.800, Line 16 of said page, by inserting after all of said line the following:

"2. Any person who has at least eight years of service as a judge, as defined in section 476.515, RSMo, and who had at least ten years of service pursuant to the provisions of sections 56.800 to 56.840, RSMo, may elect prior to retirement and not after retirement, to make a one-time transfer of credit for such service or such creditable service to or from the judicial retirement system pursuant to sections 476.450 to 476.690, RSMo, or the prosecuting attorneys' retirement system pursuant to sections 56.800 to 56.840, RSMo, for which the person has accumulated service or creditable service. The amount of transferred credit shall be accumulated with the amount of such creditable service or such service earned by the person in the retirement system or type of service to which the service is transferred for purposes of determining the benefits to which the person is entitled under the retirement system or type of service to which the service is transferred. The transfer of such creditable service or service shall become effective on the first day of the second month following the month in which the person files written notification of the person's election with the retirement boards affected by such service transfer. When the election to transfer creditable service or service becomes effective, the person shall thereby forfeit any claim to any benefit under the provisions of the retirement system or type of service, as the case may be, from which the service or creditable service was transferred regardless of the amount of service or creditable service previously earned in such retirement system or type of service.

Further amend said bill, Page 75, Section 476.517, Line 26 of said page, by inserting after all of said line the following:

"476.689. Any judge as defined in section 476.515, who is actively serving and has served for at least ten years may elect prior to retirement to receive additional credited service for previous public employment with the state as an employee of the juvenile court pursuant to chapter 211, RSMo, previously covered by another

retirement plan as defined in section 105.691, RSMo. The person must forfeit any right to benefits to which the person may have been entitled under the previously covered retirement plan. In no event shall the amount of service that a person shall be entitled to transfer pursuant to the provisions of this section exceed eight years."; and

Further renumber the sections, amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Rohrbach requested a roll call vote be taken on the adoption of SA 1 and was joined in his request by Senators Gibbons, Gross, Loudon and Schneider.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Coleman
Dougherty	Jacob	Mathewson	Quick
Russell	Sims	Staples	Stoll
Westfall	Wiggins-- 14		
NAYS--Senators			
Cauthorn	Foster	Gibbons	Goode
Gross	Kennedy	Kenney	Kinder
Klarich	Loudon	Rohrbach	Singleton
Steelman	Yeckel-- 14		
Absent--Senators			
Childers	House	Johnson	Klindt
Schneider--5			
Absent with leave--Senator DePasco-- 1			

Senator Dougherty offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 6, Section 71.203, Line 25, by inserting after all of said line the following:

"86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

- (1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;
- (2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;
- (3) "Average final compensation":
 - (a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;
 - (b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after

October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) [If a member who is described in paragraph (c) or (e) of this subdivision completes less than one full year of creditable service after returning to active participation in the system, the member's earnable compensation for the period immediately prior to DROP entry shall be added to the member's earnable compensation after the member's return to active participation for purposes of determining such member's average final compensation for his or her last year of creditable service] **With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;**

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary which a member would earn during one year on the basis of the member's rank or position as specified in the applicable salary matrix in section 84.160, RSMo, plus additional compensation for academic work as provided in subsection 9 of section 84.160, RSMo, plus shift differential as provided in subdivision (4) of subsection 10 of section 84.160, RSMo. Such amount shall [be determined without regard to] **include** the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code **or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code.** Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into

account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

- (a) The last day of the plan year that includes August 28, 1995; or
- (b) December 31, 1995;
- (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;
- (11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;
- (12) "Medical board", the board of physicians provided for in section 86.237;
- (13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;
- (14) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;
- (15) "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;
- (16) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;
- (17) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force for which the annual salary is listed in section 84.160, RSMo;
- (18) "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;
- (19) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;
- (20) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;
- (21) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.213. 1. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.200 to 86.366 are hereby vested in a board of trustees of ten persons. The board shall be constituted as follows:

- (1) The president of the board of police commissioners of the city, ex officio. If the president is absent from any meeting of the board of trustees for any cause whatsoever, the president may be represented by any member of the board of police commissioners who in such case shall have full power to act as a member of the board of trustees;
- (2) The comptroller of the city, ex officio. If the comptroller is absent from any meeting of the board of trustees for any cause whatsoever, the comptroller may be represented by either the deputy comptroller or the first assistant

comptroller who in such case shall have full power to act as a member of the said board of trustees;

(3) Three members to be appointed by the mayor of the city to serve for a term of two years;

(4) Three members to be elected by the members of the retirement system of the city for a term of three years; provided, however, that the term of office of the first three members so elected shall begin immediately upon their election and one such member's term shall expire one year from the date the retirement system becomes operative, another such member's term shall expire two years from the date the retirement system becomes operative and the other such member's term shall expire three years from the date the retirement system becomes operative; provided, further, that such members shall be members of the system and hold office only while members of the system;

(5) Two members who shall be retired members of the retirement system to be elected by the retired members of the retirement system for a term of three years; except that, the term of office of the first two members so elected shall begin immediately upon their election and one such member's term shall expire two years from the date of election and the other such member's term shall expire three years from the date of election.

2. Any member elected chairman of the board of trustees may serve [a total of four years in that capacity which shall be limited to no more than two consecutive terms] **without term limitations**.

3. Each commissioned elected trustee shall be granted travel time by the St. Louis metropolitan police department to attend any and all functions that have been authorized by the board of trustees of the police retirement system of St. Louis. Travel time, **with compensation**, for a trustee shall not exceed thirty days in any board fiscal year.

86.251. 1. The board of trustees may develop and establish a deferred retirement option plan (DROP) in which members who are eligible for retirement but who have not terminated employment as police officers and who have not actually retired may participate. The DROP shall be designed to allow members with at least twenty years of creditable service or who have attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a service retirement allowance and other benefits to postpone actual retirement, continue active employment and accumulate a deferred receipt of the service retirement allowance. No one shall participate in the DROP for a period exceeding five years.

2. Any member who has at least twenty years of creditable service or has attained the age of fifty-five may elect in writing before retirement to participate in the DROP. A member electing to participate in the DROP shall postpone actual retirement, shall continue in active employment and shall not receive any direct retirement allowance payments or benefits during the period of participation.

3. Upon the start of the participation in the DROP, the member shall cease to make any mandatory contributions to the system. No contribution shall be required by the city into the DROP account. During the period of participation in the DROP, the amount that the member would have received as a service retirement allowance if the member had actually retired instead of entering DROP shall be deposited monthly in the member's DROP account which shall be established in the member's name by the board of trustees. The member's service retirement allowance shall not be adjusted for any cost-of-living increases for any period prior to the member's termination of employment as a police officer and actual retirement. Cost-of-living increases, if any, for any period following the member's termination of employment as a police officer and actual retirement shall be applied only to monthly service retirement payments made following termination of employment as a police officer and actual retirement. Service earned during the period of participation in the DROP shall not be creditable service and shall not be counted in determination of any service retirement allowance or surviving spouse's or dependents' benefits. Compensation paid during the period of participation in the DROP shall not be earnable compensation and shall not be counted in the determination of any service retirement allowance or surviving spouse's or dependent's benefits. The member's service retirement allowance shall be frozen as of the date the member enters DROP. Except as specifically provided in sections 86.200 to 86.366, the member's frozen service retirement allowance shall not increase while the member is participating in DROP or after the member's participation in DROP ends, and the member shall not share in any benefit improvement that is enacted or that becomes effective while such member is participating in the DROP.

4. A member shall cease participation in the DROP upon the termination of the member's employment as a police

officer and actual retirement, or at the end of the five-year period commencing on the first day of the member's participation in the DROP, or as of the effective date, but in no event prior to October 1, 2001, of the member's election to return to active participation in the system, whichever occurs first. A member's election to return to active participation in the system before the end of the five-year period commencing on the first day of participation in the DROP shall be made and shall become effective in accordance with procedures established by the board of trustees, but in no event prior to October 1, 2001. Upon the member's termination of employment as a police officer and actual retirement, the member shall elect to receive the value of the member's DROP account, in one of the following forms of payment:

- (a) A lump sum payment; or
- (b) Equal monthly installments over a ten-year period.

Either form of payment should begin within thirty days after the member's notice to the board of trustees that the member has selected a particular option.

5. If a member who is participating in the DROP elects to return to active participation in the system or if a member who is participating in the DROP does not terminate employment as a police officer in the city for which the retirement system was established pursuant to sections 86.200 to 86.366 and actually retires at the end of the five-year period commencing on the first day of the member's participation in the DROP, the member shall return to active participation in the system and shall resume making mandatory contributions to the system effective as of the day after participation in the DROP ends or, if later, October 1, 2001. The board of trustees shall notify the police commissioners to begin deducting mandatory contributions from the member's salary and the member's employment period shall count as creditable service beginning as of the day the member returns to active participation.

6. In no event shall a member whose participation in DROP has ended for any reason be eligible to participate in DROP again.

7. Upon the member's termination of employment as a police officer and actual retirement, the member's mandatory contributions to the retirement system shall be paid to the member pursuant to subsection 4 of section 86.253.

8. If a member dies prior to termination of employment as a police officer and actual retirement while participating in the DROP or before the member has received full withdrawal of the amount in the member's DROP account under the installment optional payment form, the remaining balance of the member's DROP account shall be payable to the member's surviving spouse; or, if the member is then unmarried, to the member's dependent children in equal shares; or, if none, to the member's dependent mother or father; or, if none, to the member's designated beneficiary or, if no such beneficiary is then living, to the member's estate. Payment shall be made **in a lump sum** within sixty days after [the retirement system is notified of the member's death] **receipt by the board of trustees of evidence and proof of the death of a member**. In addition, the member's mandatory contributions, if any, that were not already paid to the member pursuant to subsection 4 of section 86.253 shall be paid to the member's surviving spouse pursuant to section 86.288.

9. If a member has elected to participate in the DROP and during such participation period applies for and receives benefits for an accidental disability retirement allowance pursuant to the provisions of section 86.263, the member shall forfeit all rights, claims or interest in the member's DROP account and the member's benefits shall be calculated as if the member has continued in employment and had not elected to participate in the DROP. Any portion of a DROP account that has been forfeited as provided in this subsection shall be a general asset of the system.

10. A member's DROP account shall earn interest equal to the rate of return earned by the system's investment portfolio on a market value basis, including realized and unrealized gains and losses, net of investment expense, as certified by the system's actuary. As of the [first] **last** day of each **plan** year[,], beginning [with the second fiscal year of] **after DROP participation begins**, the member's DROP account balance, determined as of the [first] **last** day of [such] **the prior plan** year, shall be credited with interest at the investment rate earned by the assets of the retirement system for [the] **such prior plan** year. If distribution of the member's DROP account balance is [completed during the year] **made in a lump sum under subsection 4 or 8 of this section**, interest **for the plan year of distribution** shall

be credited[, based] on the [beginning] **ending** balance for the **prior plan year at the investment rate earned on the assets of the retirement system for the prior plan year**, in proportion to the part of the **plan** year preceding the date of [final distribution. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed] **the member's termination of employment or death, whichever is earlier**. If the member's DROP account is paid in equal monthly installments pursuant to subsection [5] 4 of this section, [any] **interest during the installment period shall be credited as of the last day of each plan year ending after installment payment begins on the account balance as of the first or last day of the plan year, whichever is lower, at the investment rate earned by the assets of the system for the prior plan year. Interest for the year in which the final installment is paid shall be credited on the balance remaining after the final installment is paid, at the investment rate earned on the assets of the system for the prior plan year, in proportion to the part of the plan year preceding payment of the final installment. Any interest credited to the DROP account during the installment period shall be paid as soon as reasonably possible after the final monthly installment. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed.**

11. The board of trustees shall not incur any liability individually or on behalf of other individuals for any act or omission, made in good faith in relation to the DROP or assets credited to DROP accounts established by this section. The provisions of the Internal Revenue Code and regulations promulgated thereunder shall supersede any provision of this section if there is any inconsistency with the Internal Revenue Code or regulation.

12. Upon the receipt by the board of trustees of evidence and proof that the death of a member resulted from an event occurring while the member was in the actual performance of duty, and if the member is participating in the DROP, the member's surviving spouse or, if the member is then unmarried, the member's unmarried dependent children, may elect within thirty days after the member's death to have the amount in the member's DROP account paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty days after the election is received. Payment to the member's surviving spouse shall continue until the surviving spouse's death; payment to the member's unmarried dependent children shall be made while any child qualifies as an unmarried dependent child pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the date [payment begins] **of the member's death**. In no event shall the total amount paid pursuant to this subsection be less than the member's DROP account balance as of the date [payment begins] **of the member's death**.

86.255. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, if an eligible rollover distribution becomes payable to a distributee, the distributee may elect, at the time and in the manner prescribed by the board of trustees, to have any of the eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. For purposes of this section, the following terms mean:

(1) "Direct rollover", a payment by the board of trustees from the fund to the eligible retirement plan specified by the distributee;

(2) "Distributee", a member, a surviving spouse or a spouse;

(3) "Eligible retirement plan", an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code that accepts the distributee's eligible rollover distribution **or, effective for eligible rollover distributions made on or after January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, and shall include, for eligible rollover distributions made on or after January 1, 2002, a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code;**

(4) "Eligible rollover distribution", any distribution of all or any portion of a member's benefit, other than:

(a) A distribution that is one of a series of substantially equal periodic payments, made not less frequently than annually, for the life or life expectancy of the distributee or for the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;

(b) The portion of a distribution that is required under Section 401(a)(9) of the Internal Revenue Code; or

(c) [The] **Effective for distributions made on or after January 1, 2002, a portion of [any] a distribution [that is not includable in] shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable.**

3. The board of trustees shall, at least thirty days, but not more than ninety days, before making an eligible rollover distribution, provide a written explanation to the distributee in accordance with the requirements of Section 402(f) of the Internal Revenue Code.

4. If the eligible rollover distribution is not subject to Sections 401(a) and 417 of the Internal Revenue Code, such eligible rollover distribution may be made less than thirty days after the distributee has received the notice described in subsection 3 of this section, provided that:

(1) The board of trustees clearly informs the distributee of the distributee's right to consider whether to elect a direct rollover, and if applicable, a particular distribution option, for at least thirty days after the distributee receives the notice; and

(2) The distributee, after receiving the notice, affirmatively elects a distribution.

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.366 exceed the amount specified in Section 415(b)(1)(A) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment.

2. **Effective for limitation years beginning after December 31, 2001**, in no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.366, on behalf of the member, including the member's own mandatory contributions, exceed the lesser of:

(1) [Twenty-five] **One hundred** percent of the member's compensation, as defined for purposes of Section 415(c)(3) of the Internal Revenue Code, **for the limitation year**; or

(2) [Thirty] **Forty** thousand dollars, as adjusted for increases in the cost of living **under Section 415(d) of the Internal Revenue Code.**

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of Section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to 86.366 shall be reduced to the extent necessary to satisfy such limitations.

4. For purposes of this section, Section 415 of the Internal Revenue Code, including the special rules under Section 415(b) applicable to governmental plans and qualified participants [in] **employed by a police [and] or fire department [plans]**, is incorporated in this section by reference.

86.294. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, and subject to the provisions of subsections 2, 3, and 4 of this section, effective January 1, 2002, the plan shall accept a

member's rollover contribution or direct rollover of an eligible rollover distribution made on or after January 1, 2002, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code, or an annuity contract described in Section 403(b) of the Internal Revenue Code, or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. The plan will also accept a member's rollover contribution of the portion of a distribution from an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includable in gross income.

2. The amount of such rollover contribution or direct rollover of an eligible rollover distribution shall not exceed the amount required to repay the member's accumulated contributions plus the applicable members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service in accordance with section 86.210, to the extent that Section 415 of the Internal Revenue Code does not apply to such repayment by reason of subsection (k)(3) thereof, or to purchase permissive service credit, as defined in Section 415(n)(3)(A) of the Internal Revenue Code, for the member under the plan in accordance with the provisions of section 105.691, RSMo.

3. Acceptance of any rollover contribution or direct rollover of eligible rollover distribution under this section shall be subject to the approval of the board of trustees and shall be made in accordance with procedures established by the board of trustees.

4. In no event shall the plan accept any rollover contribution or direct rollover distribution to the extent that such contribution or distribution consists of after-tax employee contributions which are not includable in gross income.

86.296. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, and subject to the provisions of subsections 2 and 3 of this section, effective January 1, 2002, the plan shall accept a direct trustee-to-trustee transfer on behalf of a member from an annuity contract described in Section 403(b) of the Internal Revenue Code or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision.

2. A trustee-to-trustee transfer may be accepted by the plan only if the transfer is used to repay the member's accumulated contributions plus the applicable members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service in accordance with section 86.210, to the extent that Section 415 of the Internal Revenue Code does not apply to such repayment by reason of subsection (k)(3) thereof, or to purchase permissive service credit, as defined in Section 415(n)(3)(A) of the Internal Revenue Code, for the member under the plan in accordance with the provisions of section 105.691, RSMo.

3. Acceptance of any trustee-to-trustee transfer under this section shall be subject to the approval of the board of trustees and shall be made in accordance with procedures established by the board of trustees."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 10, Section 87.231, Line 1, by inserting at the appropriate location the following:

"87.235. 1. **Effective May 1, 2002**, upon the receipt of evidence and proof that the death of a member was the result of an accident or exposure at any time or place, provided that at such time or place the member was in the actual

performance of the member's duty and, in the case of an exposure, while in response to an emergency call, or was acting pursuant to orders, there shall be paid in lieu of all other benefits the following benefits:

(1) A retirement allowance to the widow during the person's widowhood of [fifty] **seventy** percent of the [deceased member's average final compensation] **pay then provided by law for the highest step in the range of salary for the next title or next rank above the member's range or title held at the time of the member's death**, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who is totally and permanently mentally or physically disabled and incapacitated, regardless of age, but not in excess of a total of three children, including both classes, and paid as the board of trustees in its discretion directs;

(2) If no widow benefits are payable pursuant to subdivision (1), such total allowance as would have been paid had there been a widow shall be divided among the unmarried dependent children under the age of eighteen and such unmarried children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated, and paid to or for the benefit of such children as the board of trustees in its discretion shall direct;

(3) If there is no widow, or child under the age of eighteen years, or child, regardless of age, who is totally and permanently mentally or physically disabled and incapacitated, then an amount equal to the widow's benefit shall be paid to the member's dependent father or dependent mother, as the board of trustees shall direct, to continue until remarriage or death;

(4) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age of eighteen years through the age of twenty-five years in such cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training or university, but such benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

2. No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently mentally or physically disabled and incapacitated, if such child is a patient or ward in a public-supported institution.

3. Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the widow of the deceased member, the child's benefits may be paid to the widow for the child."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 75, Section 476.517, Line 26 of said page, by inserting immediately after said line the following:

"Section 1. Effective August 28, 2002, any former member of the general assembly who served at least two full biennial assemblies and had no creditable service for the same period of service in another retirement system shall be made and employed by the board as a special consultant on the problems related to retirement and shall, when requested by the board, give opinions either written or orally on such problems. As compensation for such duties the former member of the general assembly shall be entitled to retire with a normal annuity effective the first of the month following receipt by the board of a written application. In no event shall retroactive benefits be paid."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 69, Section 104.1075, Line 19 of said page, by inserting immediately after said line the following:

"104.1084. 1. For members of the general assembly, the provisions of this section shall supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement eligibility" means attainment of age fifty-five for a member who has served at least [two] **three** full biennial assemblies or the attainment of at least age fifty for a member who has served at least [two] **three** full biennial assemblies with a total of years of age and years of credited service which is at least eighty. A member shall receive two years of credited service for every full biennial assembly served. A full biennial assembly shall be equal to the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year. If a member serves less than a full biennial assembly, the member shall receive credited service for the pro rata portion of the full biennial assembly served.

2. For the purposes of section 104.1024, the normal retirement annuity of a member of the general assembly shall be an amount for life equal to one twenty-fourth of the monthly pay for a senator or representative on the annuity starting date multiplied by the years of credited service as a member of the general assembly. In no event shall any such member or eligible beneficiary receive annuity amounts in excess of one hundred percent of pay.

3. To be covered by the provisions of section 104.1030, or section 104.1036, a member of the general assembly must have served at least [two] **three** full biennial assemblies.

4. For members who are statewide elected officials, the provisions of this section shall supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement eligibility" means attainment of age fifty-five for a member who has served at least four years as a statewide elected official, or the attainment of age fifty with a total of years of age and years of such credited service which is at least eighty.

5. For the purposes of section 104.1024, the normal retirement annuity of a member who is a statewide elected official shall be an amount for life equal to one twenty-fourth of the monthly pay in the highest office held by such member on the annuity starting date multiplied by the years of credited service as a statewide elected official not to exceed twelve years.

6. To be covered by the provisions of sections 104.1030 and 104.1036, a member who is a statewide elected official must have at least four years as a statewide elected official.

7. The provisions of section 104.1045 shall not apply to persons covered by the general assembly and statewide elected official provisions of this section. Persons covered by the general assembly provisions and receiving a year 2000 plan annuity shall be entitled to a cost-of-living adjustment (COLA) when there are increases in pay for members of the general assembly. Persons covered by the statewide elected official provisions and receiving a year 2000 plan annuity shall be entitled to COLAs when there are increases in the pay for statewide elected officials in the highest office held by such person. The COLA described in this subsection shall be equal to and concurrent with the percentage increase in pay as described in section 105.005, RSMo. No COLA shall be less than zero.

8. Any member who serves under this chapter as a member of the general assembly or as a statewide elected official on or after August 28, 1999, shall not be eligible to receive any retirement benefits from the system under either the closed plan or the year 2000 plan based on service rendered on or after August 28, 1999, as a member of the general assembly or as a statewide elected official if such member is convicted of a felony that is determined by a court of law to have been committed in connection with the member's duties either as a member of the general assembly or as a statewide elected official, unless such conviction is later reversed by a court of law.

9. A member of the general assembly who has purchased or transferred creditable service shall not be subject to the cap on benefits pursuant to subsection 2 of this section for that portion of the benefit attributable to the purchased or transferred service."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above substitute amendment be adopted.

At the request of Senator Gross, **HS** for **HB 1455**, with **SCS**, **SS** for **SCS**, **SA 4** and **SSA 1** for **SA 4** (pending) was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Quick moved that **SB 1039**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 1039**, as amended, entitled:

**HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1039**

An Act to repeal sections 99.050 and 99.134, RSMo, and to enact in lieu thereof two new sections relating to municipal housing authority commissioners.

Was taken up.

Senator Quick moved that **HS** for **HCS** for **SB 1039** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Coleman	House	Russell	Staples--4
Absent with leave--Senator DePasco--1			

On motion of Senator Quick, **HS** for **HCS** for **SB 1039** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	Jacob	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach

Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senator Gibbons--1		
	Absent--Senators		
House	Johnson	Russell	Staples--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Kenney moved that **SCS** for **SB 892**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 892**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 892

An Act to repeal sections 214.270 and 214.387, RSMo, and to enact in lieu thereof two new sections relating cemeteries.

Was taken up.

Senator Kenney moved that **HCS** for **SCS** for **SB 892** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Goode--1		
	Absent--Senators		
House	Schneider	Staples--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Kenney, **HCS** for **SCS** for **SB 892** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn

Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

House Staples--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Westfall moved that the Senate refuse to concur in **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

President Maxwell assumed the Chair.

Senator Rohrbach moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SBs 1061 and 1062**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Cauthorn moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SBs 837, 866, 972, and 990**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1402**, as amended: Senators Steelman, Kenney, Bentley, Goode and Stoll.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 1026**, entitled:

An Act to repeal section 376.1219, RSMo, and to enact in lieu thereof three new sections relating to health insurance coverage for cancer treatment and prevention and certain inherited diseases.

With House Amendment No. 2.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 1026, Page 1, Section A, Line 2, by inserting after all of said line the following:

"194.220. 1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his **or her** body for any purpose specified in section 194.230, the gift to take effect upon death. **Any individual who is a minor and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, application for the donor's instruction permit or driver's license, or other document of gift.** An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person.

2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual knowledge of a gift by the decedent [under] **pursuant to** subsection 1 of this section or actual notice of contrary indications by the decedent [or of opposition by a member of the same or a prior class], may give all or any part of the decedent's body for any purpose specified in section 194.230:

(1) An attorney in fact under a durable power of attorney that expressly refers to making a gift of all or part of the principal's body [under] **pursuant to** the uniform anatomical gift act;

(2) The spouse;

(3) An adult son or daughter;

(4) Either parent;

(5) An adult brother or sister;

(6) A guardian of the person of the decedent at the time of his **or her** death;

(7) Any other person authorized or under obligation to dispose of the body.

3. If the donee has actual notice of contrary indications by the decedent [or that a gift by a member of a class is opposed by a member of the same or a prior class], the donee shall not accept the gift. The persons authorized by subsection 2 of this section may make the gift after or immediately before death.

4. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

5. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection 4 of section 194.270.

194.230. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) Any accredited medical or dental school, college or university or the state anatomical board for education, research, advancement of medical or dental science, or therapy; or

(3) Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) Any specified individual for therapy or transplantation needed by [him] **such individual.**"; and

Further amend said bill, Page 2, Section 376.1253, Line 27, by inserting immediately after said line the following:

"376.1275. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2003, shall include coverage for the cost for human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing must be performed in a facility which is accredited by the American Association of Blood Banks or its successors, the College of American Pathologists, or any other national accrediting body which has requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists, and is licensed under the Clinical Laboratory Improvement Act, 42 U.S.C. Section 263a, as amended. At the time of testing, the person being tested must complete and sign an informed consent from which also authorizes the results of the test to be used for participation in the National Marrow Donor Program. The health benefit plan may limit each enrollee to one such testing per lifetime not to exceed seventy-five dollars to be reimbursed by the health carrier or health benefit plan.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The health care service required by this section shall not be subject to any greater deductible or copayment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

Section 1. The provisions in subsection 1 of section 194.220 relating to allowing a minor who is at least sixteen years of age to effectuate a gift for any purpose specified in section 194.230 through the driver license or instruction permit application process, shall be effective July 1, 2003."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 840**, entitled:

An Act to repeal section 516.097, RSMo, and to enact in lieu thereof one new section relating to statute of repose for certain design professionals.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, entitled:

An Act to repeal sections 142.028, 247.030, 247.031, 247.040, 247.217, 247.220, 260.200, 323.060, 393.847, 414.032, 640.100, 643.220, 644.016, 644.036, 644.051, and 644.052, RSMo, and to enact in lieu thereof twenty-five new sections relating to environmental regulation.

With House Amendments Nos. 1, 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 31, Section 247.220, Line 13 of said page, by deleting the word "**absolutely**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 63, Section 644.036, Lines 24 and 25 of said page, by deleting all of said lines; and

Further amend said bill, Page 64, Section 644.036, Lines 1 to 3 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"5. Any listing required by Section 303(d) of the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq., to be sent to the U.S. Environmental Protection Agency for their approval that will result in any waters of this state being classified as impaired shall be adopted by rule pursuant to chapter 536, RSMo. Total maximum daily loads shall not be required for any listed waters that subsequently are determined to meet water quality standards."

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 and 985, by inserting at the appropriate location the following section:

"644.581. Notwithstanding the provisions of section 644.570, RSMo, concerning the percentage ratio disbursement of grants and loans, if the full amount of grant and loan funds available for percentage ratio disbursement pursuant to section 644.578, 644.579, or 644.580, RSMo, are not disbursed to and accepted by eligible recipients, the department shall disburse any remaining funds to one or more of the other eligible recipients to which funds have already been disbursed and accepted."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 7, Section 643.335, by inserting in the appropriate location the following:

"643.335. 1. The commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

2. The commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. 3. The waiver form established pursuant to subsection 2 of this section shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the emissions inspection contractor that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

4. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the parts, repairs and adjustment work performed is equal to or greater than the waiver amount established by the commission. Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a recognized repair technician as defined by rule.

"The Commission shall establish, by rule, that costs for parts included toward reaching the waiver amount shall include, to the maximum extent appropriate, reasonable costs for purchase of tools required to perform repairs and adjustment work on a failing vehicle owned by the person purchasing such tools."

5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control performance warranty provided by the manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer or other person providing the warranty.

6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are required to correct the effects of tampering with emissions systems or air pollution control devices."; and

Further amend title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Substitute No. 2 for House Committee Substitute for Senate Bills Nos. 984 and 985, by inserting in the appropriate location the following:

"[644.018. In any contested case or judicial proceeding filed after January 1, 1998, involving surface water in any flood-prone area, if any defendant has obtained and fully complied with a permit from a political subdivision which has enacted orders or ordinances as required by the Federal Emergency Management Agency as a prerequisite to participation in the National Flood Insurance Program, and which political subdivision has jurisdiction, pursuant to the zoning laws of this state or the laws and regulations of the Federal Emergency Management Agency, over the area in dispute, then the proper permitting and compliance with all conditions of such permitting of such project shall be conclusive proof that the project is a reasonable use and meets any reasonable-use test imposed by law or by a court.]"; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 46, Section 414.043, Line 16 of said page, by deleting the words "**January 1, 2004**" and inserting in lieu thereof the following: "**July 31, 2005**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1402**, as amended. Representatives: Mays (50), Gratz, O'Toole, Burton and Rector.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **SS No. 2** for **SCS** for **HB 1446**, as amended. Representatives: Luetkenhaus, Clayton, Ward, Burton and Luetkemeyer.

PRIVILEGED MOTIONS

Senator Kenney moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 1026**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1761, regarding Mary F. Richmond, Jefferson City, which was adopted.

Senator Gross offered Senate Resolution No. 1762, regarding Michael W. Rau, St. Peters, which was adopted.

Senator Westfall offered Senate Resolution No. 1763, regarding Colonial Springs Healthcare Center, Buffalo, which was adopted.

Senator Bentley offered Senate Resolution No. 1764, regarding Robbie Helfer, Springfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 1765, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bernard Slavik, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1766, regarding Christopher George Brummel, Fenton, which was adopted.

Senator Yeckel offered Senate Resolution No.

1767, regarding Jenifer Zeigler, which was adopted.

Senator Westfall offered Senate Resolution No. 1768, regarding Bolivar Chapter of the Future Farmers of America, Bolivar, which was adopted.

Senator Westfall offered Senate Resolution No. 1769, regarding the El Dorado Springs High School FFA program, El Dorado Springs, which was adopted.

Senator Steelman offered Senate Resolution No. 1770, regarding Wanda "Candi" Jones, Holts Summit, which was adopted.

Senator Steelman offered Senate Resolution No. 1771, regarding Anna M. Strobe, Linn, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Carl Kruse, M.D., Palmyra.

Senator Kenney introduced to the Senate, his brother and sister-in-law, Peter and Julie Kenney, and their son, Jack, Lee's Summit.

Senator Loudon introduced to the Senate, students from Incarnate Word School, Chesterfield.

On motion of Senator Kenney, the Senate adjourned until 9:00 a.m., Wednesday, May 15, 2002.

SENATE CALENDAR

SEVENTY-THIRD DAY-WEDNESDAY, MAY 15, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and

Russell, with SCS

SBs 1085 & 1262-

Yeckel and Childers, with SCS

HOUSE BILLS ON THIRD READING

HS for HCS for HBs

1654 & 1156-Hosmer,

with SCS (Caskey)

HS for HCS for HB

1650-Hoppe, with SCS

(Steelman)

HCS for HB 1143, with

SCS (Kenney)

HS for HB 1399-Ransdall

(Yeckel)

(In Budget Control)

HCS for HB 1398 (Yeckel)

(In Budget Control)

HCS for HB 1689, with

SCS (Klarich)

(In Budget Control)

HCS for HB 1695, with SCS

(In Budget Control)

HS for HCS for HBs 1729,

1589 & 1435-Barnitz

(Cauthorn)

(In Budget Control)

HS for HB 1498-

Johnson (90), with SCS

(Sims)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS (pending)

SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SB 668-Bentley, with SS &
SA 1 (pending)

SB 689-Gibbons, et al,
with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and
Kinder, with SCS

SBs 766, 1120 & 1121-
Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with
SCS, SS for SCS & SA 4
(pending)

SB 926-Kenney, et al, with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al,
with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al, with SCS

SB 1046-Gross and House,
with SCS (pending)

SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach
and Kenney, with SCS, SS
for SCS & SA 3 (pending)

SB 1087-Gibbons, et al,
with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,
with SS and SA 3 (pending)

SB 1103-Westfall, et al,
with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

HOUSE BILLS ON THIRD READING

HCS for HBs 1150, 1237 &
1327, with SCS (Gibbons)

SS for SCS for HB 1196-

Barnett, et al (Westfall)

(In Budget Control)

HCS for HB 1216, with SCS

(Singleton)

HCS for HBs 1344 & 1944,

with SCS & SA 6

(pending) (Caskey)

HB 1406-Barnett, with SCS

(Klindt)

HCS for HB 1425, with SCS

(House)

HS for HB 1455-O'Toole,

with SCS, SS for SCS,

SA 4 & SSA 1 for SA 4

(pending) (Gross)

HS for HCS for HBs 1461 &

1470-Seigfreid, with

SCS (Yeckel)

HBs 1489 & 1850-Britt,

with SCS, SS for SCS,

SA 4 & SSA 1 for SA 4

(pending) (Steelman)

HS for HCS for HBs 1502 &

1821-Luetkenhaus, with

SCS (Rohrbach)

HB 1508-Koller, with SCS

(Westfall)

HB 1600-Treadway, with SS

& SA 3 (pending)

(Mathewson)

HB 1679-Crump, with SCS &

point of order (Sims)

HS for HCS for HB 1756-Reid (Klarich)

HCS for HB 1817, with SCS

(Bentley)

HB 1869-Barry (Klarich)

HCS for HB 1898, with SCS (Goode)

HS for HCS for HB 1906-Green (73),

with SCS (Kenney)

HS for HB 1994-Hosmer,

with SA 1 & SA 2 to

Part I of SA 1

(pending) (Bentley)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,

with SCS (pending)

(Coleman)

HB 1085-Mays (50) (Quick)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SCS for SB 680-Bland,

with HS for HCS, as amended

SB 718-House and Steelman, with HCS

SS for SCS for SB 840-

Gross, with HCS

SS#2 for SCS for SBs 984

& 985-Steelman, with

HS, as amended

SCS for SB 1212-Mathewson,

with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 712-Singleton

and Sims, with HS for

HCS, as amended

SB 758-Bentley, with HCS

(Senate adopted CCR

and passed CCS)

SB 795-Schneider, with HCS

(Senate adopted CCR#2

and passed CCS#2)

SCS for SB 810-Dougherty,

with HS for HCS, as

amended

SB 895-Yeckel and Gross,

with HS for HCS, as

amended

SS for SS for SCS for SBs

970, 968, 921, 867, 868

& 738-Westfall, with HS

for HCS, as amended

SCS for SBs 1086 & 1126-

DePasco & Quick, with HCS

SCS for SB 1202-Westfall,

with HCS

SB 1220-Sims, with HS, as

amended

SS for SB 1248-Mathewson,

with HS for HCS, as

amended

HB 1313-Burton, with SCS

(Foster)

HB 1402-Burton, et al, with

SCS, as amended (Steelman)

HB 1446-Luetkenhaus, with

SS#2 for SCS, as amended

(Kenney)

HB 1712-Monaco, et al, with

SS for SCS, as amended

(Klarich)

HB 2120-Ridgeway and

Hosmer, with SCS

(Gibbons)

Requests to Recede or Grant Conference

SS for SCS for SBs 837,
866, 972 & 990-Cauthorn,
with HCS, as amended
(Senate requests House
recede or grant conference)

SCS for SBs 915, 710 &
907-Westfall, et al,
with HS, as amended
(Senate requests House
recede or grant conference)

SS for SCS for SBs 969, 673
& 855-Westfall, with HS#2
for HCS, as amended
(Senate requests House
recede or grant conference)

SCS for SB 1026-Kenney,
et al, with HS, as amended
(Senate requests House
recede or grant conference)

SCS for SBs 1061 & 1062-
Rohrbach and Kenney, with
HS for HCS, as amended
(Senate requests House
recede or grant conference)

HB 1953-Van Zandt, et al,

with SCS, as amended

(Singleton)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

HCR 24-Kreider (Westfall)

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-THIRD DAY--WEDNESDAY, MAY 15, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"He is doing the work of the Lord." (I Cor. 16:10)

Merciful Father, help us to have confidence in the work we do here in the Senate that it is being done according to Your guidance; may we have humble pride that some of our work contributes to the welfare of Your people in this state. And let us never cease to appreciate the Senate staff whose sacrificial efforts help bring about what we hope to accomplish. And we bring once again our prayers for Senator DePasco that You guide his doctor's decisions and touch his body with Your healing power. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

President Pro Tem Kinder assumed the Chair.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1772, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hubert Wilkins, Concordia, which was adopted.

Senator Bentley offered Senate Resolution No. 1773, regarding Robert Roundtree, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1774, regarding Sister Lorraine Biebel, Springfield, which was adopted.

CONCURRENT RESOLUTIONS

Senator Westfall moved that **HCR 24** be taken up for 3rd reading and final passage, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Westfall, **HCR 24** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Rohrbach--1

Absent--Senator Bland--1

Absent with leave--Senator DePasco--1

The President declared the concurrent resolution passed.

On motion of Senator Westfall, title to the concurrent resolution was agreed to.

Senator Westfall moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738**, as amended. Represen-tatives: Koller, Green (73), Berkowitz, Ostmann and Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HS** for **HCS** for **HB 1962** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SCS** for **SBs 915, 710 and 907**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SCS** for **SBs 915, 710 and 907**, as amended. Representatives: Koller, Green (73), Berkowitz, Ostmann and Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended, and grants the Senate a conference thereon and the conferees be bound to **HA 2** to **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SCS** for **SB 1026**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SBs 1061 and 1062**, as amended, and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended: Senators Klarich, Gibbons, Loudon, Mathewson and Caskey.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SBs 915, 710 and 907**, as amended: Senators Westfall, Russell, Klindt, Staples and Goode.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended: Senators Westfall, Bentley, Klindt, Caskey and Coleman.

PRIVILEGED MOTIONS

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 895**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 895

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Bill No. 895, with House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 895, as amended;
2. That the Senate recede from its position on Senate Bill No. 895;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 895, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Anita Yeckel /s/ Chris Liese

/s/ Doyle Childers /s/ Ralph Monaco

/s/ Bill Foster /s/ Dan Ward

/s/ John Schneider /s/ Blaine Luetkemeyer

/s/ Harry Wiggins /s/ Mark Wright

Senator Yeckel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Jacob--1

Absent--Senator Bland--1

Absent with leave--Senator DePasco--1

On motion of Senator Yeckel, **CCS** for **HS** for **HCS** for **SB 895**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 895

An Act to repeal sections 30.260, 139.235, 143.081, 148.020, 148.610, 301.560, 301.600, 301.610, 301.620, 301.630, 301.640, 301.660, 306.400, 306.405, 306.410, 306.420, 306.430, 351.120, 351.140, 351.145, 351.150, 351.155, 355.856, 356.211, 361.700, 362.020, 362.106, 362.117, 362.170, 362.245, 362.270, 362.275, 362.335, 365.100, 364.120, 365.140, 367.518, 385.050, 400.9-102, 400.9-109, 400.9-303, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625, 400.9-710, 407.432, 408.083, 408.140, 408.170, 408.320, 408.510, 408.556, 408.557, 409.204, 409.402, 417.210, 454.507, 454.516, 525.070, 570.130, 575.060, 700.350, 700.355, 700.360, 700.365, 700.370, and 700.380, RSMo, sections 375.018 and 375.065 as enacted by house committee substitute for senate substitute for senate bill no. 193, ninety-first general assembly, first regular session, section 375.018 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 709, eighty-seventh general assembly, first regular session, and section 375.065 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 896, ninetieth general assembly, second regular session, and to enact in lieu thereof eighty-five new sections relating to financial services, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Jacob--1

Absent--Senators

Bland	Schneider	Singleton--3
	Absent with leave--Senator DePasco--1	

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SB 1026**, as amended: Senators Kenney, Sims, Rohrbach, Dougherty and Stoll.

President Pro Tem Kinder assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 1898**, with **SCS**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto eleven new sections relating to a tax on licensed retail pharmacies in this state, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Goode.

SCS for **HCS** for **HB 1898**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1898

An Act to amend chapter 338, RSMo, by adding thereto eleven new sections relating to a tax on licensed retail pharmacies in this state, with an emergency clause and an expiration date.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 1898** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **HCS** for **HB 1898**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1898

An Act to amend chapter 338, RSMo, by adding thereto eleven new sections relating to a tax on licensed retail pharmacies in this state, with an emergency clause and an expiration date.

Senator Rohrbach moved that **SS** for **SCS** for **HCS** for **HB 1898** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Goode, **SS** for **SCS** for **HCS** for **HB 1898** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Dougherty
Foster	Goode	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins--24
NAYS--Senators			
Caskey	Cauthorn	Coleman	Gibbons
Gross	House	Mathewson	Quick
Yeckel--9			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Dougherty
Foster	Gibbons	Goode	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Caskey	Cauthorn	Coleman	Gross
House--5			
Absent--Senator Mathewson--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate request the House not bind its conferees to **HA 2** to **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673** and **855**, as amended, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SBs 1061** and **1062**, as amended. Representatives Harlan, Wilson (25), Smith, Luetkemeyer and Portwood.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1773** and has taken up and passed **SCS** for **HB 1773**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HJR 47** and has taken up and passed **SS** for **SCS** for **HCS** for **HJR 47**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HCS** for **HB 1403** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1403**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 1270** and **HB 2032** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HB 1748** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 758** and has taken up and passed **CCS** for **HCS** for **SB 758**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SCS** for **SB 1026**, as amended.
Representatives: Barry, Selby, Treadway, King and May (149).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SJR 24**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Steelman moved that the Senate refuse to recede from its position on **SS** for **HB 1748**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator House moved that **SB 718**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.
HCS for **SB 718**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 718

An Act to repeal section 171.021, RSMo, and to enact in lieu thereof one new section relating to reciting the Pledge of Allegiance in public schools.

Was taken up.

Senator House moved that **HCS** for **SB 718** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Goode	Jacob	Mathewson	Schneider
Staples--5			
Absent with leave--Senator DePasco--1			

On motion of Senator House, **HCS** for **SB 718** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Gross	Jacob	Mathewson	Schneider
Staples--5			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 1086** and **1126**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1086 and 1126

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1086 & 1126, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1086 & 1126;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 1086 & 1126;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1086 & 1126, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ed Quick /s/ Thomas A. Hoppe

/s/ Stephen Stoll /s/ Wes Wagner

/s/ Doyle Childers /s/ Ryan McKenna

/s/ David Klindt /s/ Don Lograsso

/s/ Roseann Bentley /s/ Jon Dolan

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Mathewson	Singleton	Staples--4
	Absent with leave--Senator DePasco--1		

On motion of Senator Quick, **CCS** for **HCS** for **SCS** for **SBs 1086** and **1126**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1086 and 1126

An Act to repeal sections 67.398, 71.285, 447.620, 447.622, 447.625, 447.632, 447.636, 447.638, and 447.640, RSMo, and to enact in lieu thereof ten new sections relating to nuisance abatement.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Singleton	Staples	Steelman--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Photographers from the St. Louis Post-Dispatch and the Associated Press were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HB 1508, with **SCS**, introduced by Representative Koller, entitled:

An Act to repeal sections 226.540, 226.550, 226.580, and 226.585, RSMo, and to enact in lieu thereof five new sections relating to highway beautification.

Was called from the Informal Calendar and taken up by Senator Westfall.

SCS for **HB 1508**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1508

An Act to repeal sections 226.540, 226.550, 226.573, 226.580, and 226.585, RSMo, and to enact in lieu thereof five new sections relating to highway beautification.

Was taken up.

Senator Westfall moved that **SCS** for **HB 1508** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **HB 1508** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Quick	Russell	Schneider

Stoll	Westfall	Wiggins--23	
	NAYS--Senators		
Gross	Loudon	Rohrbach	Sims
Singleton	Steelman--6		
	Absent--Senators		
Bland	Mathewson	Staples	Yeckel--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

At the request of Senator Caskey, **HS** for **HCS** for **HBs 1654** and **1156**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Steelman, **HS** for **HCS** for **HB 1650**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kenney, **HCS** for **HB 1143**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sims, **HS** for **HB 1498**, with **SCS**, was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Steelman moved that the Senate refuse to concur in **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HB 1748**, as amended: Senators Steelman, Klindt, Cauthorn, Johnson and Caskey.

PRIVILEGED MOTIONS

Senator Bland moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 680**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Kenney, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Childers.

PRIVILEGED MOTIONS

Senator Johnson moved that **SJR 24**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SJR 24**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 24

Joint Resolution submitting to the qualified votes of Missouri an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

Was taken up.

Senator Kenney requested unanimous consent of the Senate to suspend the rules to allow the conferees on **HS** for **HCS** for **SS** for **SB 1248**, as amended, to meet in the Senate Lounge while the Senate is in session, which request was granted.

Senator Johnson moved that **HCS** for **SJR 24** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Childers	Dougherty	Foster	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Rohrbach	Schneider	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--21			
NAYS--Senators			
Caskey	Cauthorn	Russell	Steelman--4
Absent--Senators			
Bentley	Bland	Coleman	Gibbons
Jacob	Klarich	Mathewson	Quick--8
Absent with leave--Senator DePasco--1			

On motion of Senator Johnson, **HCS** for **SJR 24** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Childers	Dougherty	Foster
Goode	House	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Rohrbach	Schneider	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--21			
NAYS--Senators			
Caskey	Cauthorn	Russell	Steelman--4
Absent--Senators			
Bland	Coleman	Gibbons	Gross
Jacob	Klarich	Mathewson	Quick--8
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Singleton, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 712**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 712

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, with House Amendments Nos. 1, 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendments Nos. 4, 5, 8 and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 712;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Marvin Singleton /s/ Jim O'Toole

/s/ Sarah Steelman /s/ W. Craig Hosmer

/s/ Chuck Gross /s/ Connie Johnson

/s/ Harold Caskey Charlie Ballard

/s/ Ed Quick /s/ Susan Phillips

Senator Singleton moved that the above conference committee report be adopted.

At the request of Senator Singleton, his motion was withdrawn.

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 1220**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR

SENATE BILL NO. 1220

The Conference Committee appointed on House Substitute for Senate Bill No. 1220, with House Amendments Nos. 1 and 2 to Part II and House Amendment No. 1 to Part IV, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on the House Substitute for Senate Bill No. 1220, with House Amendments Nos. 1 and 2 to Part II and House Amendment No. 1 to Part IV;
2. That the Senate recede from its position on Senate Bill No. 1220;
3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 1220, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Betty Sims /s/ Jim O'Toole

/s/ Bill Kenney /s/ Jim Foley

/s/ Pat Dougherty /s/ Wayne Crump 152

/s/ Harry Wiggins /s/ Mark Richardson

/s/ Anita Yeckel Chuck Purgason

President Pro Tem Kinder assumed the Chair.

Senator Sims moved that the above conference committee report be adopted.

Senator Loudon raised the following point of order that the Conference Committee Substitute for House Substitute for Senate Bill No. 1220 exceeds the differences between the Senate and the House and therefore is out of order.

Mr. President, the Senate and the House passed the same version of section 313.230. The Conference Committee Substitute in subdivision (8) of subsection 313.230 removed language that was found in both **SB 1220** as passed by the Senate and the **HS** for **SB 1220** as passed by the House. Those removed words are: "seeking a license or renewal of a license as a lottery retailer," and later in subdivision (8) the words "and closed". A new subdivision (9) was added to section 313.230 in the Conference Committee Substitute, which was not present in either **SB 1220** as passed by the Senate or **HS** for **SB 1220** as passed by the House.

Mr. President, these changes to the Conference Committee Substitute are substantive in nature.

First, as passed by the Senate and House, open and closed criminal history information of applicants for employment with the State Lottery Commission, lottery retailers and those seeking to contract with the commission, shall be available to the commission. The Conference Committee Substitute now only allows open criminal history information of such lottery commission applicants, retailers and contractors to be available to the commission.

Second, as also passed by the Senate and the House, the commission is required to submit fingerprints for criminal history checks of such lottery commission applicants, retailers and contractors. the CCS, by deleting language in subdivision (8) and by adding the new subdivision (9), reverses this requirement for lottery retailers so that the commission is prohibited from conducting fingerprint checks of lottery retailers, unless the commission has a reasonable basis for conducting such fingerprint checks.

Mr. President, these changes to the Conference Committee Substitute that exceed the differences are reflected in a cover memo to the sponsor entitled "RE: CCS to HS/SB 1220-Gaming" dated May 8, 2002 and obtained from the sponsor's office. The memo states that the "**substitute incorporates the contents of the perfected version of SB 1220**

regarding background checks for certain persons associated with gaming (including the changes you requested on fingerprint checks)..." (bold print in the original).

Mr. President, the sponsor of SB 1220 never asked leave of the Senate to allow the Senate conferees to exceed the differences between the Senate and the House, thus my point of order should be well taken.

President Pro Tem Kinder ruled the point of order not well taken.

Senator Gibbons assumed the Chair.

Senator Sims moved that the Conference Committee Report for **HS** for **SB 1220**, as amended, be adopted.

Senator Cauthorn assumed the Chair.

Senator Singleton assumed the Chair.

Senator Loudon moved that the Senate refuse to adopt the Conference Committee Report on **HS** for **SB 1220**, as amended, and request the House grant further conference and that the Senate conferees be bound to the language in **HA 2**.

A quorum was established by the following vote:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent--Senators			
Coleman	Dougherty--2		
Absent with leave--Senator DePasco--1			

President Maxwell assumed the Chair.

Senator Loudon renewed his motion that the Senate refuse to adopt the Conference Committee Report on **HS** for **SB 1220**, as amended, and request the House to grant further conference and that the Senate conferees be bound to the language in **HA 2**. He requested a roll call vote be taken and was joined in his request by Senators Caskey, Kennedy, Mathewson and Russell.

The substitute motion made by Senator Loudon failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Childers	Foster	Gibbons
Gross	Kinder	Klarich	Loudon
Rohrbach	Russell	Steelman	Westfall
Yeckel--13			
NAYS--Senators			
Bentley	Bland	Caskey	Dougherty
Goode	House	Jacob	Johnson
Kennedy	Kenney	Klindt	Mathewson

Quick	Sims	Singleton	Staples
Stoll	Wiggins-- 18		
	Absent--Senators		
Coleman	Schneider--2		
	Absent with leave--Senator DePasco-- 1		

The Conference Committee Report on **HS** for **SB 1220**, as amended, failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Dougherty	House	Jacob
Kennedy	Kenney	Klindt	Mathewson
Quick	Schneider	Sims	Singleton
Staples	Stoll	Wiggins	Yeckel-- 16
	NAYS--Senators		
Bland	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Goode
Gross	Johnson	Kinder	Klarich
Loudon	Rohrbach	Russell	Steelman
Westfall-- 17			
	Absent--Senators--None		
	Absent with leave--Senator DePasco-- 1		

Senator Singleton moved that the Conference Committee Report on **HCS** for **SCS** for **SB 712**, as amended, be again taken up for adoption, which motion prevailed.

Senator Singleton moved that the Conference Committee Report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bland	Caskey	Childers	Dougherty
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel-- 26		
	NAYS--Senators		
Bentley	Cauthorn	Foster	Loudon--4
	Absent--Senators		
Coleman	Jacob	Staples--3	
	Absent with leave--Senator DePasco-- 1		

On motion of Senator Singleton, **CCS** for **HS** for **HCS** for **SCS** for **SB 712**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 712

An Act to repeal sections 44.010, 44.023, 190.500, 306.124, 307.177, 407.472, 473.697, 490.620, 542.400, 542.402, 542.404, 542.406, 542.408, 542.410, 542.412, 542.414, 542.416, 542.418, 542.420, 542.422, 570.030, 571.020, 574.105, 574.115, 575.080, 578.008 and 610.021, and to enact in lieu thereof thirty-two new sections relating to terrorism, with penalty provisions and an expiration date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Foster--1			
Absent--Senators			
Bentley	Klarich	Staples--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Gross moved that **SS** for **SCS** for **SB 840**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 840**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 840

An Act to repeal section 516.097, RSMo, and to enact in lieu thereof one new section relating to statute of repose for certain design professionals.

Was taken up.

Senator Gross moved that **HCS** for **SS** for **SCS** for **SB 840** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn

Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Quick	Singleton	Staples--3
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Absent with leave--Senator DePasco--1

On motion of Senator Gross, **HCS** for **SS** for **SCS** for **SB 840** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators

Caskey Schneider--2

Absent--Senators

Klarich	Quick	Staples--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 1202**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1202

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1202 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and

do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1202;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 1202;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1202, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Morris Westfall /s/ Don Koller

/s/ John T. Russell /s/ Kate Hollingsworth

/s/ John Cauthorn /s/ Mark Hampton

/s/ Danny Staples /s/ Richard Byrd

/s/ Wayne Goode /s/ Delbert Scott

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Staples--2		
	Absent with leave--Senator DePasco--1		

On motion of Senator Westfall, **CCS** for **HCS** for **SCS** for **SB 1202**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE
COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1202

An Act to repeal sections 389.005 and 389.610, RSMo, and to enact in lieu thereof five new sections relating to the directives of executive order number 02-03, signed by the governor February 7, 2002, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich

Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Gross	Jacob	Mathewson	Quick
Singleton	Staples--6		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Quick	Staples--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 675**, entitled:

An Act to repeal sections 28.160, 115.013, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.613, RSMo, relating to elections, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

With House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendments Nos. 3, 5, House Substitute Amendment No. 1 for House Amendment No. 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 9, 10, 11, 12, 13, 14 and 15.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.074, Page 9, Lines 21-24, by deleting all of said lines and inserting in lieu thereof the following:

"upgrade or improve the voting process or equipment. Such funding shall be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established by the federal department of health and human services or its successor agency. The secretary of state may promulgate rules to"; and

Further amend said substitute, section 115.076, page 11, lines 12-14, by deleting all of said lines and inserting in lieu thereof the following:

"Such funding shall be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established by the federal department of health and human services or its successor agency. The secretary of state may promulgate rules to"; and

Further amend said substitute, section 115.098, page 18, lines 2-4, by deleting all of said lines and inserting in lieu thereof the following:

"dollars per hour. Such funding shall be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established by the federal department of health and human services or its successor agency. The secretary of state may".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 31, Section 115.157, Line 7, by inserting after the word "a" the following: **"local, state or federal"**.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.126, Page 22, Line 16, by deleting **"August 31"** and inserting in lieu thereof **"December 31"**.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 86, Section 115.493, Line 2, by inserting after all of said line the following:

"115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before [his] the person's election, both a registered voter of and a resident of the county and the committee district from which [he] the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first [class] classification containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The

election authority for the county shall, **not later than six months after the decennial census has been reported to the President of the United States**, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Four members of the committee, two men and two women, shall be elected from each other township outside the city.

3. In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county [of the first class] with a charter form of government, for the portion of the city located within such county and notwithstanding [the provisions of] section 82.110, RSMo, it shall be the duty of the election authority, **not later than six months after the decennial census has been reported to the President of the United States**, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census. [Changes of ward or precinct lines shall not affect the terms of office of incumbent party committeemen or committeewomen elected from districts as constituted at the time of their election.]

4. In each county of the first [class] **classification** containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: **Within six months** after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

5. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

6. In all [first class] counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. **Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.**

7. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.427, Page 73, Line 3, by inserting "**other identification approved by federal law**" immediately after "section".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.159, Page 33, Line 8, by deleting "**115.247**" and inserting in lieu thereof "**115.427**"; and

Further amend said substitute, Section 115.126, Page 22, Lines 16-19, by deleting the following:

"Not later than August first of each year thereafter, each election authority shall submit to the secretary of state a plan and funding request to implement the provisions of this section."

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, by inserting in the appropriate location the following:

"115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined under a sentence of imprisonment;

(2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or

(3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote, unless the voter is an intrastate new resident or an interstate new resident, as defined in section 115.275.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered **to vote in the jurisdiction of his or her residence** no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, **unless the voter is an intrastate new resident or an interstate new resident, as defined in section 115.275.** In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall present a valid Missouri drivers license or other form of personal identification at the time of registration.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote, unless the voter is an intrastate new resident or an interstate new resident, as defined in section 115.275."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 65, Section 115.283, Line 6, by inserting after all of said line the following:

"115.284. 1. There is hereby established an absentee voting process to assist persons with permanent disabilities in the

exercise of their voting rights.

2. The local election authority shall send an application to participate in the absentee voting process set out in this section to any registered voter residing within the election authority's jurisdiction upon request.

3. Upon receipt of a properly completed application, the election authority shall enter the voter's name on a list of voters qualified to participate as absentee voters pursuant to this section.

4. The application to participate in the absentee voting process shall be in substantially the following form:

State of County (City) of I,..... (print applicant's name), declare that I am a resident and registered voter of County, Missouri, and am permanently disabled. I hereby request that my name be placed on the election authority's list of voters qualified to participate as absentee voters pursuant to section 115.284, and that I be delivered an absentee ballot application for each election in which I am eligible to vote.

.....

Signature of Voter

.....

.....

Voter's Address

5. **Not earlier than six weeks before an election but prior to the fourth Tuesday prior to an election**, [The] the election authority shall deliver to each voter qualified to participate as absentee voters pursuant to this section an absentee ballot application [for each election in which] **if** the voter is eligible to vote **in that election**. If the voter returns the absentee request application to the election authority not later than 5:00 p.m. on the Wednesday before an election and has retained the necessary qualifications to vote, the election authority shall provide the voter with an absentee ballot pursuant to this chapter.

6. The election authority shall remove from the list of voters qualified to participate as absentee voters pursuant to this section any voter who:

- (1) Asks to be removed from the list;
- (2) Dies;
- (3) Becomes disqualified from voting pursuant to the provisions of chapter 115; or
- (4) No longer resides at the address of his or her voter registration."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.427, Page 72, Line 23, by inserting the following after all of said line:

"(4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter:"; and

Further amend said section, Page 73, Line 2, by deleting "(5)" and inserting in lieu thereof **"(6)"**; and

Further amend said section, Page 72, Line 24, by deleting "(4)" and inserting in lieu thereof "(5)".

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675 by inserting the following in the appropriate location:

"115.755. A statewide presidential preference primary shall be held on the first Tuesday after the first Monday in [March] **February** of each presidential election year."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 50, Section 115.277, Line 4, by inserting "**active duty military**" before "federal"; and

Further amend said line by inserting brackets around "federal"; and

Further amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.277, Page 50, Line 5, by inserting opening and closing brackets ([]) around "in any election"; and

Further amend said section, Page 50, Line 6, by deleting all of said line and inserting in lieu thereof the following:

"this state may vote **only** in the election of **presidential and vice presidential electors, United States senator and representative in Congress** even if the person it not".

HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, by inserting at the appropriate location the following:

"115.507. 1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur. Nothing in this section shall be construed to require the election authority to tabulate absentee ballots by precinct on election night.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. **Any home rule city with more than four hundred thousand inhabitants and located in more than one county may by ordinance designate one of the election authorities situated partially or wholly within that home rule city to be the verification board that shall certify the returns of such city submitting a candidate or question at any election and shall notify each verification board within the city of that designation by providing each with a copy of such duly adopted ordinance. Not later than the second Tuesday after any election in any city making such a designation, each verification board within the city shall certify the returns of such city submitting a candidate or question at the election to the election authority so designated by the city to be its verification board, and such election authority shall announce the results of the election and certify the cumulative returns to the city in conformance with subsections 1 and 2 of this section not later than ten days thereafter.**

4. Not later than the second Tuesday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of article V, section 29 of the state constitution, appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place or precinct, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of (City of St. Louis, Kansas City) on the day of,, ", etc."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, by inserting the following in the appropriate location:

"115.365. 1. The nominating committee authorized to select a candidate for nomination or election to office [under the provisions of] **pursuant to** section 115.363 shall be one of the following:

- (1) To select a candidate for county office, the nominating committee shall be the county committee of the party;
- (2) To select a candidate for state representative, the nominating committee shall be the legislative district committee of the party;
- (3) To select a candidate for state senator, the nominating committee shall be the senatorial district committee of the party;
- (4) To select a candidate for circuit court judge not subject to the provisions of article V, section 25 of the state constitution, the nominating committee shall be the judicial district committee of the party;
- (5) To select a candidate for representative in Congress, the nominating committee shall be the congressional district committee of the party;
- (6) To select a candidate for statewide office, the nominating committee shall be the state committee of the party.

2. After any decennial redistricting, the nominating committee shall be composed from the new districts, and the new district lines shall be used in the selection of a candidate; **provided, however, that members of nominating committees for candidates for special elections to fill vacancies conducted pursuant to section 21.130, RSMo, shall be from the old districts.**

115.367. 1. In the event that the boundaries of a district have been altered, or a new district established for a candidate to be selected by a party committee since the last election in which a party candidate ran for such office, the members of the nominating committee shall be the members of the various nominating committees for that office, as provided in section 115.365 who reside within the altered or new district; **provided, however, that members of nominating committees for candidates for special elections to fill vacancies conducted pursuant to section 21.130, RSMo, shall be from the old districts.** The chairman of the nominating committee shall be the committee chairman of the county which polled the highest vote for the party candidate for governor within the area to be represented at the last gubernatorial election.

2. In the event that a candidate is to be selected by a party committee of a new political party which has not yet elected committeemen and committeewomen in the manner provided by law, the chairman of the nominating committee shall be the provisional chairman of the party for the state, or if the political party is formed for a district or political subdivision less than the state, the chairman of the nominating committee shall be the provisional chairman of the party

for such district or political subdivision. The chairman of the nominating committee shall appoint additional members of the nominating committee, not less than four in number.

3. In the event that a candidate is to be selected for nomination or election to an office by a new political party which has elected committeemen and committeewomen in the manner provided for established political parties, the members of the nominating committee shall be the same as provided in section 115.365."; and

Further amend the title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HB 1748**, as amended. Representatives: Ransdall, Relford, Willoughby, Hegeman and Rector.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 856**, entitled:

An Act to repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof twenty-three new sections relating to property development.

With House Amendments Nos. 2, 3, 4, 5, 6, 7, 8, 9 and 11.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting in the appropriate location the following:

"Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey a permanent easement on property owned by the state in the County of Callaway to the City of Fulton. The easement to be conveyed is more particularly described as follows:

A 20' permanent easement located in the east half of the southwest quarter and in the northwest quarter of the southeast quarter of Section 16, T47N, R9W of the 5th Principal Meridian, in Fulton, Callaway County, Missouri, more particularly described as follows:

Commencing at the section corner common to Sections 16, 17, 20, 21; Thence S8722'59"E, along the south line of the southwest quarter of the southwest quarter of Section 16, 1237.50 feet, said point being N8722'59"W, 82.50 feet from the southwest corner of the southeast quarter of the southwest quarter of said Section 16; Thence N141'00"E, along the west line of a unrecorded survey by RLS #1188, dated December, 1979, and a Quitclaim Deed recorded in Book 349, Page 762 of the Callaway County Recorder's Office, Fulton, Missouri, 1033.47 feet to the south right-of-way line of Missouri State Route "O"; Thence S8855'31"E, along the south right-of-way line of said Missouri State Route "O", 607.20 feet to the P.C. station (18+43.4) of a curve to the left having a radius of 1939.86 feet, a arc length of 13.87 feet, a chord bearing of S8907'48"E, 13.87 feet; Thence leaving said Missouri State Route "O" right-of-way S236'19"W, along an existing fence being the west line of the Missouri State Hospital property as described in said Quitclaim Deed, 795.77 feet to the intersection of the centerline of a 20' permanent easement and POINT OF BEGINNING; Thence along said centerline a curve to the right having a radius of 100.00 feet, a arc length of 89.34 feet, a chord bearing of N6110'18"E, 86.40 feet; Thence N8615'05"E, 35.00 feet; Thence along a curve to the left having a radius of 95.00 feet, a arc length of

148.23 feet, a chord bearing of N4133'04"E, 133.65 feet and the point of reverse curve; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 38.59 feet, a chord bearing of N829'14"E, 38.32 feet; Thence N2007'26"E, 149.70 feet; Thence along a curve to the left having a radius of 200.00 feet, a arc length of 115.02 feet, a chord bearing of N338'56"E, 113.44 feet; Thence N1249'34"W, 155.68 feet; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 90.50 feet, a chord bearing of N1427'52"E, 87.12 feet; Thence N4145'18"E, 128.67 feet; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 57.37 feet, a chord bearing of N5903'23"E, 56.51 feet; Thence N7621'28"E, 41.89 feet; Thence along a curve to the left having a radius of 35.00 feet, a arc length of 39.72 feet, a chord bearing of N4350'43"E, 37.62 feet to the south right-of-way line of Missouri State Route "O" at station 22+70.45 AH; Thence entering said Route "O" right-of-way and continuing along said curve to the left, a arc length of 13.41 feet, a chord bearing N021'24"E, 13.33 feet; Thence N1037'11"W, 38.95 feet; Thence along a curve to the right having a radius of 35.00 feet, a arc length of 8.04 feet, a chord bearing of N402'02"W, 8.03 feet to the north right-of-way line of Missouri State Route "O" at station 22+74.05 AH.; Thence leaving said Route "O" right-of-way and continuing along said curve to the right, a arc length 35.27 feet, a chord bearing of N3125'15"E, 33.80 feet; Thence N6017'24"E, 194.94 feet; Thence along a curve to the right having a radius of 150.00 feet, a arc length of 93.88 feet, a chord bearing of N7813'09"E, 92.35 feet; Thence S8351'07"E, 374.88 feet more or less to the west right-of-way line of Wood Street and being 66.20 feet more or less north of the north right-of-way line of Missouri State Route "O" and the end of this easement, containing 0.925 acre, more or less.

Also an additional temporary construction easement 10 feet either side of the 20 foot permanent easement described above.

Except that part lying in the Missouri State Route "O" right-of-way.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting in the appropriate location the following:

"99.805. As used in sections 99.800 to [99.865] **99.873**, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(2) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities;

inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) "High unemployment", unemployment in the census block group or contiguous group of block groups in which the redevelopment project is located of at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of nonmetropolitan counties if the area is not located in a metropolitan statistical area;

(8) "Low fiscal capacity", per capita assessed valuation of property in the municipality of less than sixty percent of the entire county in which it is located, or, in unincorporated areas, when the per capita assessed valuation of property in the school district is less than sixty percent of the entire county in which it is located;

(9) "Moderate income", either a Missouri municipality within a metropolitan statistical area which has a population of at least one thousand five hundred and median household income of under ninety percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under ninety percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition, the definition shall include municipalities not within a metropolitan statistical area, with a median household income of under ninety percent of the median household income for the nonmetropolitan areas in Missouri according to the last decennial census or a census block group or contiguous group of block groups which has a population of at least one thousand five hundred, and each block group having a median household income of under ninety percent of the median household income for the

nonmetropolitan areas of Missouri, according to the last decennial census;

[(7)] **(10)** "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] **(11)** "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)] **(12)** "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] **(13)** "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)] **(14)** "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project;

[(12)] **(15)** "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] **(16)** "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] **(17)** "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(18) "Retail", any establishment possessing a retail sales license and responsible for the collection of sales taxes pursuant to the provisions of section 144.080, RSMo;

(19) "Retail redevelopment project", any development project within a redevelopment area, as defined in this section, where more than thirty-three percent of the total estimated redevelopment project costs are devoted to the construction, reconstruction, or expansion of retail establishments or of privately-owned infrastructure or facilities ancillary to sales at retail;

[(15)] **(20)** "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(16)] **(21)** "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(17)] **(22)** "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; [and]

[(18)] **(23)** "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision [and], an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of

obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo,

until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any

state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to **blighted areas located in distressed communities pursuant to section 135.530, RSMo**, blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the

redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund

shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

99.866. 1. Except as provided in subsection 2 of this section, sections 99.866 to 99.872 shall apply to any city not within a county, any county with a charter form of government and with more than one million inhabitants, any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants, any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, any county of the first classification without a charter form of government and with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but less than thirty-nine thousand inhabitants, any county of the fourth classification with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred inhabitants, and any county of the third classification without a township form of government and with more than seventeen thousand eight hundred but less than seventeen thousand nine hundred inhabitants.

2. Any redevelopment project consisting solely of public infrastructure improvements on public land requiring two million dollars or less in tax increment financing, wherein the bonds for such project will be paid off in seven years or less, shall be exempt from the provisions of sections 99.866 to 99.872. However, no "stringing" of projects shall be allowed. No exempt project pursuant to this section shall be combined with another exempt project pursuant to this section for a period of five years.

3. Any redevelopment project for which eligible project redevelopment costs are to be paid from that portion of the total economic activity taxes and payments in lieu of taxes imposed by the municipality only, and real or potential revenues from no other taxing jurisdictions are involved, are exempt from the provisions of sections 99.866 to 99.872.

99.867. 1. The municipality and any proposed redevelopment area shall meet the requirements of section 99.810 and this section. In addition, if the proposed redevelopment project is a retail redevelopment project, it must be in a redevelopment area where:

- (1) The host municipality or, for unincorporated areas, the host school district has low fiscal capacity; or**
- (2) The census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area have high unemployment; or**
- (3) The municipality, census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area are characterized by moderate income.**

2. Tax increment financing shall not be used for more than thirty percent of the total estimated redevelopment costs of a project unless the redevelopment is in a municipality, census block group or group of block groups with a median household income less than seventy percent of that of the metropolitan area, a distressed community as defined in section 135.530, RSMo, a federal enterprise zone or a federal empowerment zone. Tax increment financing shall not be used to develop sites in which twenty-five percent or more of the area is vacant and has not previously been developed or qualifies as "open space" pursuant to section 67.900, RSMo, or is

presently being used for agricultural or horticultural purposes.

3. If the majority of the proposed redevelopment project is located in an area meeting the requirements of low fiscal capacity, high unemployment, and moderate income set forth in this section, and if such conditions are documented in an area which is contiguous to but outside of the qualifying area, and is smaller than a census block group, the contiguous area shall be added to the qualifying area.

99.870. Commencing with the first fiscal year in which any municipality receives any payments in lieu of taxes from a redevelopment project and continuing through the last fiscal year in which the municipality receives such payments, the municipality shall pay to any other taxing entities entitled to receive revenue from levies on real property in such municipality, an amount equal to twenty-five percent of the payments in lieu of taxes received by the municipality. This amount shall be divided among the other affected taxing entities on a basis that is proportional to the collections of revenue from real property in the development area to which each such taxing district is entitled during that tax year.

99.871. In addition to the requirements which may apply pursuant to section 99.810, no redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision, an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met, and a study stating that records were reviewed, inspections were made, comparisons were made, or tasks undertaken demonstrating that the property has not been developed through private enterprise over a period of time. Such a study should be signed by a responsible party in the local jurisdiction who is designated as being responsible for the study's representations. The study shall be of sufficient specificity to allow representatives of the tax increment financing commission or the municipality, or both, to conduct investigations deemed necessary in order to confirm its findings;

(2) An economic feasibility analysis including a pro forma financial statement indicating a return on investment that may be expected without public assistance. The financial statement shall detail any assumptions made, a pro forma statement analysis demonstrating the amount of assistance required to bring the return into a range deemed attractive to private investors, which amount shall be equal to the estimated reimbursable project costs.

99.872. The municipality and the developer shall annually submit information to the department regarding an approved plan for as long as the plan is in effect. The department shall establish reporting requirements by rule promulgated pursuant to chapter 536, RSMo. The department shall submit a report to the governor and the general assembly by December thirty-first of each year. The report shall, at a minimum, identify the number and location of redevelopment areas, quantify public investment in each, and assess the public benefit derived from the redevelopment project.

99.873. Any district in any city not within a county, any county with a charter form of government and with more than one million inhabitants, any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants, any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, any county of the first classification without a charter form of government and with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but less than thirty-nine thousand inhabitants, any county of the fourth classification with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred

inhabitants, and any county of the third classification without a township form of government and with more than seventeen thousand eight hundred but less than seventeen thousand nine hundred inhabitants, providing emergency services pursuant to chapter 190 or 321, RSMo, shall be entitled to reimbursement from the special allocation fund for direct costs. However, such reimbursement shall not be less than twenty-five percent nor more than one hundred percent of the district's tax increment.

99.874. The provisions of this act shall apply to all redevelopment projects which are approved by a municipality after the effective date of this act."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, Section 99.866, by inserting at the end of said section, the following:

"4. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred eighty thousand inhabitants but with fewer than two hundred eighty-five thousand inhabitants but fewer than two hundred eighty-five thousand inhabitants."; and

Further amend said page, by inserting after all of said line the following:

"5. This section shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects (including redevelopment project costs) by not more than forty percent of such project original projected cost (including redevelopment project costs) as such projects (including redevelopment project costs) existed as of June 30, 2003. And shall allow the aforementioned tax increment financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting at the appropriate location the following:

"Section 1. Upon any sale of real property for taxes owed, a not-for-profit federally recognized community housing development organization will have three days to match the sales price offered to the county and become the owner of record."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting the following in the appropriate location:

"Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in the Battle of Athens State Historic Site to the Robert F. French Trust. The property to be conveyed is more particularly described as follows:

All that part of the Southwest quarter of section nineteen in Township sixty seven North, Range seven West described in instrument recorded at microfilm drawer 3M card 2156 of the Clark county records being WEST

of the following described line. Beginning at the Southeast corner of a tract of land described in instrument recorded at microfilm drawer 9M card 926 of the Clark County records and shown on survey dated February 05, 1999 recorded with the Department of Natural Resources as Document number 750-26794, thence along the south boundary of section nineteen North 87 degrees 03' 25" West 8.0 feet to a fence and the true point of beginning, thence along said fence North 3 degrees 00' 33" East 1139.6 feet, thence North 4 degrees 38' 44" East 956.9 feet to a corner fence post, thence continue North 4 degrees 38' 44" East on a projection of the fence to the low water mark of the Des Moines River.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from the Robert F. French Trust. The property to be conveyed to the department is more particularly described as follows:

All that part of the Southwest quarter of section nineteen in Township sixty seven North, Range seven West described in instrument recorded at microfilm drawer 3M card 2156 of the Clark county records being EAST of the following described line. Beginning at the Southeast corner of a tract of land described in instrument recorded at microfilm drawer 9M card 926 of the Clark County records and shown on survey dated February 05, 1999 recorded with the Department of Natural Resources as Document number 750-26794, thence along the south boundary of section nineteen North 87 degrees 03' 25" West 8.0 feet to a fence and the true point of beginning, thence along said fence North 3 degrees 00'33" East 1139.6 feet, thence North 4 degrees 38' 44" East 956.9 feet to a corner fence post, thence continue North 4 degrees 38' 44" East on a projection of the fence to the low water mark of the Des Moines River.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at Cuivre River State Park to Steve and Ellen Piacentini, husband and wife. The property to be conveyed is more particularly described as follows:

Part of lands located in the County of Lincoln and the State of Missouri, lying in part of the southwest quarter of Section 16 and part of the northwest quarter of Section 21, Township 49 North, Range 1 East of the Fifth Principal Meridian, being all that part north and east of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-65596 and located per survey filed as document # 750-26854 in the records of the Missouri Department of Natural Resources, marking the southeast corner of the northeast quarter of the northwest quarter of said Section 21; thence along the east line of said northeast quarter of the northwest quarter of Section 21, north 00 degrees 51 minutes 55 seconds east, a distance of 890.80 feet to a set 5/8 inch rebar, the TRUE POINT OF BEGINNING of the herein described courses; thence departing said east line north 89 degrees 08 minutes 05 seconds west, a distance of 45.00 feet to a set 5/8 inch rebar, from which a found 3/8 inch rebar bears south 89 degrees 08 minutes 05 seconds east, a distance of 18.1 feet; thence north 00 degrees 51 minutes 55 seconds east, a distance of 489.20 feet to a set 5/8 inch rebar, from which a standard aluminum monument, described in MoDNR document # 600-65595 and located per said survey filed as document # 750-26854, bears south 89 degrees 05 minutes 55 seconds east, a distance of 45.00 feet and a found 1/2 inch rebar with orange plastic cap marked "RLS 1851" bears south 79 degrees 19 minutes 30 seconds east, a distance of 16.1 feet; thence north 89 degrees 05 minutes 55 seconds west, a distance of 155.40 feet to a set 5/8 inch rebar; thence north 00 degrees 54 minutes 05 seconds east, a distance of 53.80 feet to a set 5/8 inch rebar; thence north 89 degrees 05 minutes 55 seconds west, a distance of 409.29 feet to the east line of a tract of land conveyed to Loyd E. Groshong by instrument recorded in Deed Book 220 at page 575 of the Lincoln County land records, marked by a set 5/8 inch rebar, from which a found 1 1/4 inch solid round rod bears north 00 degrees 34 minutes 30 seconds east, a distance of 253.60 feet; thence along the east line of said Groshong tract, south 00 degrees 34 minutes 30 seconds west, a distance of 53.80 feet to the section line between said Sections 16 and 21, marked by a set 5/8 inch rebar, the point of termination of the herein described courses, from which a found 7/8 inch O.D. iron pipe bears south 00 degrees 34 minutes 30 seconds west, a distance of 7.55 feet and a 5/8 inch rebar with aluminum cap, described in MoDNR document # 600-65594 and located per said survey filed as document # 750-26854, bears north 89 degrees 05 minutes 55

seconds west, a distance of 710.45 feet.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from Steve and Ellen Piacentini. The property to be conveyed to the department is more particularly described as follows:

Part of lands located in the County of Lincoln and the State of Missouri, lying in part of the southwest quarter of Section 16 and part of the northwest quarter of Section 21, Township 49 North, Range 1 East of the Fifth Principal Meridian, being all that part south and west of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-65596 and located per survey filed as document # 750-26854 in the records of the Missouri Department of Natural Resources, marking the southeast corner of the northeast quarter of the northwest quarter of said Section 21; thence along the east line of said northeast quarter of the northwest quarter of Section 21, north 00 degrees 51 minutes 55 seconds east, a distance of 890.80 feet to a set 5/8 inch rebar, the TRUE POINT OF BEGINNING of the herein described courses; thence departing said east line north 89 degrees 08 minutes 05 seconds west, a distance of 45.00 feet to a set 5/8 inch rebar, from which a found 3/8 inch rebar bears south 89 degrees 08 minutes 05 seconds east, a distance of 18.1 feet; thence north 00 degrees 51 minutes 55 seconds east, a distance of 489.20 feet to a set 5/8 inch rebar, from which a standard aluminum monument, described in MoDNR document # 600-65595 and located per said survey filed as document # 750-26854, bears south 89 degrees 05 minutes 55 seconds east, a distance of 45.00 feet and a found 1/2 inch rebar with orange plastic cap marked "RLS 1851" bears south 79 degrees 19 minutes 30 seconds east, a distance of 16.1 feet; thence north 89 degrees 05 minutes 55 seconds west, a distance of 155.40 feet to a set 5/8 inch rebar; thence north 00 degrees 54 minutes 05 seconds east, a distance of 53.80 feet to a set 5/8 inch rebar; thence north 89 degrees 05 minutes 55 seconds west, a distance of 409.29 feet to the east line of a tract of land conveyed to Loyd E. Groshong by instrument recorded in Deed Book 220 at page 575 of the Lincoln County land records, marked by a set 5/8 inch rebar, from which a found 1 1/4 inch solid round rod bears north 00 degrees 34 minutes 30 seconds east, a distance of 253.60 feet; thence along the east line of said Groshong tract, south 00 degrees 34 minutes 30 seconds west, a distance of 53.80 feet to the section line between said Sections 16 and 21, marked by a set 5/8 inch rebar, the point of termination of the herein described courses, from which a found 7/8 inch O.D. iron pipe bears south 00 degrees 34 minutes 30 seconds west, a distance of 7.55 feet and a 5/8 inch rebar with aluminum cap, described in MoDNR document # 600-65594 and located per said survey filed as document # 750-26854, bears north 89 degrees 05 minutes 55 seconds west, a distance of 710.45 feet.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 3. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at Washington State Park to Rachel DeClue and Patricia Westoff. The property to be conveyed is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part enclosed by the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey filed as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29; thence north 88 degrees 06 minutes 30 seconds west, a distance of 807.05 feet to a found 1 inch round rod (as called for in Deed Book 125 at page 61 of the land records of Washington County), lying within the right-of-way of Missouri Route 21; thence north 39 degrees 15 minutes 30 seconds west, a distance of 711.15 feet to a found 3/4 inch smooth round rod (as called for in Deed Book 125 at page 202 of said land records); thence north 80 degrees 28 minutes 30 seconds east, a distance of 7.0 feet to the easterly right-of-way of said Route 21, marked by a set 5/8 inch rebar, being the TRUE POINT OF BEGINNING of the herein described courses; thence continuing north 80 degrees 28 minutes 30 seconds east, a distance of 413.00 feet to a set 5/8 inch rebar; thence south 14 degrees 20 minutes 00 seconds

east, a distance of 295.15 feet to a set 5/8 inch rebar; thence south 87 degrees 00 minutes 00 seconds west, a distance of 290.00 feet to said easterly right-of-way, from which a found t-post bears south 87 degrees 00 minutes 00 seconds west, a distance of 7.7 feet; thence northwesterly along said easterly right-of-way to the true point of beginning.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from Rachel Declue and Patricia Westoff. The property to be conveyed to the department is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part north and east of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey filed as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29 and being the TRUE POINT OF BEGINNING of the herein described courses; thence south 87 degrees 37 minutes 35 seconds west, a distance of 123.69 feet to a found 1/2 inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906; thence north 47 degrees 49 minutes 00 seconds west, a distance of 508.45 feet to a set 5/8 inch rebar; thence north 84 degrees 46 minutes 30 seconds west, a distance of 270.10 feet to a set 5/8 inch rebar; thence north 14 degrees 20 minutes 00 seconds west, a distance of 295.15 feet to a set 5/8 inch rebar; thence south 80 degrees 28 minutes 30 seconds west, a distance of 413.00 feet to the easterly right-of-way of Missouri Route 21, marked by a set 5/8 inch rebar, said rebar being the point of termination, from which a found 3/4 inch smooth round rod (as called for in Deed Book 125 at page 202 of the land records of Washington County) bears south 80 degrees 28 minutes 30 seconds west, a distance of 7.0 feet and a found 1/2 inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906, bears north 39 degrees 20 minutes 00 seconds west, a distance of 110.90 feet.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at Washington State Park to Oscar and Margaret Rulo. The property to be conveyed is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part south and west of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey filed as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29; thence south 87 degrees 37 minutes 35 seconds west, a distance of 123.69 feet to a found 1/2 inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906, being the TRUE POINT OF BEGINNING of the herein described courses; thence north 47 degrees 49 minutes 00 seconds west, a distance of 508.45 feet to a set 5/8 inch rebar; thence north 84 degrees 46 minutes 30 seconds west, a distance of 270.10 feet to a set 5/8 inch rebar; thence south 87 degrees 00 minutes 00 seconds west, a distance of 290.00 feet to the point of termination at the easterly right-of-way of Missouri Route 21, from which a found t-post bears south 87 degrees 00 minutes 00 seconds west, a distance of 7.7 feet.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from Oscar and Margaret Rulo. The property to be conveyed to the department is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that

part north and east of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey tiled as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29 and being the TRUE POINT OF BEGINNING of the herein described courses; thence south 87 degrees 37 minutes 35 seconds west, a distance of 123.69 feet to a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906; thence north 47 degrees 49 minutes 00 seconds west, a distance of 508.45 feet to a set 5/8 inch rebar; thence north 84 degrees 46 minutes 30 seconds west, a distance of 270.10 feet to a set 5/8 inch rebar; thence north 14 degrees 20 minutes 00 seconds west, a distance of 295.15 feet to a set 5/8 inch rebar; thence south 80 degrees 28 minutes 30 seconds west, a distance of 413.00 feet to the easterly right-of-way of Missouri Route 21, marked by a set 5/8 inch rebar, said rebar being the point of termination, from which a found ¾ inch smooth round rod (as called for in Deed Book 125 at page 202 of the land records of Washington County) bears south 80 degrees 28 minutes 30 seconds west, a distance of 7.0 feet and a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906, bears north 39 degrees 20 minutes 00 seconds west, a distance of 110.90 feet.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 5. 1. The director of the department of natural resources is hereby authorized and empowered to grant and convey certain land in Jefferson County described as follows:

Parcel 11: Part of a larger tract of 42.26 acres located and being all that part of the South one-half of the northeast quarter of Section 20, Township 43 North, Range 5 East, in Jefferson County, Missouri and described as follows: Beginning at an iron pipe in the South line of the Northeast Quarter of said Section 20, being South 88 degrees 25 minutes East, distance 507.41 feet from the center of said Section 20; thence leaving the said South line of said Northeast Quarter of said Section 20, North 30 minutes East 159.11 feet to an iron pipe; thence North 88 degrees 25 minutes East 588.47 feet to a point in the center-line of a branch from which an iron pipe bears South 88 degrees 25 minutes West, distance 146.66 feet; thence along the said center-line of said branch South 27 degrees 02 minutes West 181.29 feet to South 88 degrees 25 minutes West, distance 65.60 feet; thence leaving the said center-line of said branch and along the South line of said Northeast Quarter of said Section 20 South 88 degrees 25 minutes West 507.41 feet to the point of beginning, containing two (2) acres.

Also an easement 20 feet wide lying East of and South of the following described line: Beginning at a point located in the North line of the above described tract said point being South 88 degrees 25 minutes West 75 feet more or less from the Northeast corner; thence North 28 degrees 48 minutes East 760 feet, more or less to a point; thence South 49 degrees 45 minutes East to the West right-of-way line of Romain Creek County Road.

2. Tammy L. Edwards shall have the right of first refusal to purchase the property described in subsection 1 of this section based on the fair market value of the property as determined by an appraiser contracted with by the department of natural resources. In the event that Tammy L. Edwards is unable or unwilling to purchase the property for the price determined by the department of natural resources, the department of natural resources shall then sell the property at a public auction under such terms and conditions as the department shall set.

3. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 856 by inserting the following section in the appropriate location:

"Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest

in fee simple absolute in property owned by the state in the County of Cole to the General Services Administration or to the Missouri Development Finance Board. The property to be conveyed is more particularly described as follows:

All of outlots nos. 46, 47 & 49 of the City of Jefferson, Cole County, Missouri, except that part of the aforesaid outlot no. 47 that lies within the public right-of-ways (by use) of the streets currently known as Riverside Drive and Capital Avenue Extension.

2. Consideration for the conveyance shall be the transfer of property of like value to the state of Missouri.

3. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, Page 42, Section 135.259, Line 22, by inserting after said line all of the following:

"Section B. None of the funds appropriated pursuant to section A of this act shall be used for casinos or casino-related purposes."; and

Further amend said bill in the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting at the appropriate location the following:

"Section 1. 1. As used in this section the following terms shall mean:

(1) "Biodiesel", fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;

(2) "Qualified biodiesel producer", a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and at least fifty-one percent is owned by agricultural producers actively engaged in agricultural production for commercial purposes.

2. The "Missouri Qualified Biodiesel Producer Incentive Fund" is hereby created and subject to appropriations with funds, other than general revenue funds, shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified biodiesel produced during the preceding month from Missouri agricultural products, for the succeeding calendar month as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of fifteen gallons shall not be

applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the first day of the month for which the grant is sought. The application shall include:

- (1) The location of the Missouri qualified biodiesel producer;**
- (2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;**
- (3) The number of bushel equivalents of Missouri agricultural commodities used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;**
- (4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;**
- (5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and**
- (6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.**

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting at the appropriate location the following:

"67.1442. Upon the written request of any real property owner within a city having a population of at least one hundred forty-nine thousand, located in a county of the first classification without a charter form of government and with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, the governing body of the municipality may hold a public hearing for the removal of real property from such district or moved from one zone designation of the district to another zone designation of the district and such real property may be removed from such district or moved from one zone designation of a district to another zone designation of the same district, provided that:

- (1) The board consents to the removal of such property;**
- (2) The district can meet its obligations without the revenues generated by or on the real property proposed to be removed from the district or moved from one zone designation of the district to another zone designation of**

the same district; and

(3) The public hearing is conducted in the same manner as required by section 67.1431 with notice of the hearing given in the same manner as required by section 67.1431 and such notice shall include:

(a) The date, time and place of the public hearing;

(b) The name of the district;

(c) The boundaries by street location, or other readily identifiable means if no street location exists of the real property proposed to be removed from the district or moved from one zone of designation of the district to another zone of designation of the same district, and a map illustrating the boundaries of the existing district and the real property proposed to be removed; and

(d) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

135.207. 1. (1) Any city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any city not within a county, which includes an existing state designated enterprise zone within the corporate limits of the city may each, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(2) Any Missouri community classified as a village whose borders lie adjacent to a city with a population in excess of three hundred fifty thousand inhabitants as described in subdivision (1) of this subsection, and which has within the corporate limits of the village a factory, mining operation, office, mill, plant or warehouse which has at least three thousand employees and has an investment in plant, machinery and equipment of at least two hundred million dollars may, upon securing approval of the director and the local governing authorities of the village and the adjacent city which contains an existing state designated enterprise zone, designate one satellite zone to be located within the corporate limits of the village, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(3) Any geographical area partially contained within any city not within a county and partially contained within any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, which area is comprised of a total population of at least four thousand inhabitants but not more than seventy-two thousand inhabitants, and which area consists of at least one fourth class city, and has within its boundaries a military reserve facility and a utility pumping station having a capacity of ten million cubic feet, may, upon securing approval of the director and the appropriate local governing authorities as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(4) Any city with a population of at least one hundred fifty thousand inhabitants that is located in a county of the first classification without a charter form of government with a population of more than two hundred forty thousand which includes an existing state designated enterprise zone within the corporate limits of the city may, upon approval of the local governing authority of the city and the director of the department of economic development, designate one satellite zone within its corporate limits which shall be on land owned by the city which contains a wastewater treatment plant with a treatment capacity of five million six hundred thousand cubic feet per day and an electric power plant having a capacity of at least two hundred seventy-five megawatts. A prerequisite for the designation of the satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3) of subsection 1 of this section, the satellite zones, in conjunction with the existing state-designated enterprise zone shall meet the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress, or one in which a large number of jobs have been lost, a large number of employers have closed, or in which a large percentage of available production capacity is idle. For the purpose of this subdivision, "large number of jobs" means one percent or more of the area's population according to the most recent decennial census, and "large number of employers" means over five;

(2) At least fifty percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the existing state designated enterprise zone and its satellite zones must be at least four thousand but not more than seventy-two thousand at the time of designation;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than sixty percent of the statewide percentage of residents employed on a full-time basis.

3. A qualified business located within a satellite zone shall be subject to the same eligibility criteria and can be eligible to receive the same benefits as a qualified facility in sections 135.200 to 135.255."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended: Senators Westfall, Foster, Sims, Caskey and Stoll.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1906**, with **SCS**, entitled:

An Act to repeal section 33.571, RSMo, and to enact in lieu thereof two new sections relating to state funds, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Kenney.

SCS for **HS** for **HCS** for **HB 1906**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1906

An Act to repeal section 33.571, RSMo, and to enact in lieu thereof three new sections relating to state funds, with an emergency clause for certain sections.

Was taken up.

Senator Kenney moved that **SCS** for **HS** for **HCS** for **HB 1906** be adopted.

Senator Kenney offered **SS** for **SCS** for **HS** for **HCS** for **HB 1906**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1906

An Act to repeal section 33.571, RSMo, and to enact in lieu thereof five new sections relating to state funds, with an emergency clause for certain sections, with penalty provisions and an expiration date for certain sections.

Senator Kenney moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1906** be adopted.

Senator Caskey raised the point of order that **SCS** and **SS** for **SCS** are out of order as they go beyond the scope and purpose of the original bill on pages 3-10.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SS for **SCS** for **HS** for **HCS** for **HB 1906** was again taken up, which motion prevailed.

At the request of Senator Kenney, **HS** for **HCS** for **HB 1906**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Childers, Chairman of the Committee on Local Government and Economic Development, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1634**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HB 1717**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HB 1868**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Kenney, the Senate recessed until 6:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1508** and has taken up and passed **SCS** for **HB 1508**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 2120** and has taken up and passed **CCS** for **SCS** for **HB 2120**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SB 795** and has taken up and passed **CCS No. 2** for **HCS** for **SB 795**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 1898** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 680**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SBs 670** and **684**, entitled:

An Act to repeal sections 191.900, 191.910, 197.310, 197.317, 197.318, 197.340, 197.367, 197.455, 198.012, 198.022, 198.026, 198.029, 198.032, 198.036, 198.039, 198.067, 198.070, 198.073, 198.080, 198.082, 198.085, 198.088, 198.093, 198.115, 198.525, 198.526, 198.531, 565.186, 565.188, 630.140, 630.167, 660.250, 660.260, 660.263, 660.270 and 660.300, RSMo, and to enact in lieu thereof fifty-four new sections relating to protection of the elderly, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 8, Section 191.910, Line 7 of said page, by inserting after all of said line the following:

"197.305. As used in sections 197.300 to 197.366, the following terms mean:

(1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;

(2) "Agency", the certificate of need program of the Missouri department of health and senior services;

(3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;

(4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;

(5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(6) "Expenditure minimum" shall mean:

(a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, [2003] **2008**, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection 7 of section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) "Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, kidney disease treatment centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(8) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(9) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(10) "New institutional health service":

- (a) The development of a new health care facility costing in excess of the applicable expenditure minimum;
- (b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;
- (c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;
- (d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of one hundred fifty thousand dollars;
- (e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;
- (f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;
- (g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(11) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(12) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(13) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need."; and

Further amend said bill, Page 10, Section 197.317, Line 23 of said page, by deleting the number "**2007**" and inserting in lieu thereof the number "**2008**"; and

Further amend said bill, Page 11, Section 197.317, Line 5 of said page, by deleting the phrase "[January 1, 2004] **July 1, 2007**" and inserting in lieu thereof the following: "January 2, [2004] **2009**"; and

Further amend said bill, Page 12, Section 197.318, Line 14 of said page, by deleting the number "**2007**" and inserting in lieu thereof the number "**2008**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 & 684, Section 630.167, Page 87, Line 14, by inserting after said line, all of the following:

"630.900. 1. The director of the department of mental health, in collaboration with the departments of social services, health and senior services, elementary and secondary education, higher education, and corrections, shall design, coordinate, and implement a state suicide prevention plan using an evidence-based public health approach focused on suicide prevention.

2. The director shall:

- (1) Promote the use of employee assistance and workplace programs to support employees with depression and other psychiatric illnesses and substance abuse disorders, and refer them to services. In promoting such programs, the director shall collaborate with employer and professional associations, unions, and safety councils;
- (2) Promote the use of student assistance and educational programs to support students with depression and other psychiatric illnesses and substance abuse disorders. In promoting such programs, the director shall collaborate with educators, administrators, students and parents with emphasis on identification of the risk factors associated with suicide;
- (3) Provide training and technical assistance to local public health and other community-based professionals to provide for integrated implementation of best practices for preventing suicides;
- (4) Coordinate with federal, state, and local agencies to collect, analyze, and annually issue a public report on Missouri-specific data on suicide and suicidal behaviors; and
- (5) Conduct periodic evaluations of the impact and outcomes from implementation of the state's suicide prevention plan and each of the activities specified in this section. By July 1, 2004, and each July first of even-numbered years thereafter, the director shall report the results of such evaluations to the chairs of the senate aging, families, and mental health committee and the house children, families, and health committee."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 8, Section 191.910, Line 7, by inserting after said line the following:

"197.305. As used in sections 197.300 to [197.366] **197.367**, the following terms mean:

- (1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new **institutional** health [care] service is to be developed;
- (2) "Agency", the certificate of need program of the Missouri department of health **and senior services**;
- (3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;
- (4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to [197.366] **197.367**;
- (5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;
- (6) "Expenditure minimum" shall mean:
 - (a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection 7 of

section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) "Health care facilities", [hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals] **long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, long-term care hospitals or beds in a long-term care hospital meeting the requirements described in 42 CFR Section 412.23(e)**, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, [kidney disease treatment centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities,] but excluding [the private offices of physicians, dentists and other practitioners of the healing arts, and] Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(8) "Health service area", a geographic region appropriate for the effective planning and development of **new institutional** health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(9) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(10) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility[, or major medical equipment costing in excess of the expenditure minimum];

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(h) A reallocation of hospital beds to long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, by more than ten beds or ten percent of total licensed bed capacity of the hospital, whichever is less, over a two-year period;

(11) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new **institutional** health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(12) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(13) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

197.310. 1. The "Missouri Health Facilities Review Committee" is hereby established. [The agency shall provide clerical and administrative support to the committee. The committee may employ additional staff as it deems necessary.] **The department of health and senior services shall hire and administratively supervise the clerical and administrative support to the committee.**

2. The committee shall be composed of:

(1) Two members of the senate appointed by the president pro tem, who shall be from different political parties; and

(2) Two members of the house of representatives appointed by the speaker, who shall be from different political parties; and

(3) Five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be from the same political party.

3. No business of this committee shall be performed without a majority of the full body.

4. The members shall be appointed as soon as possible after September 28, 1979. One of the senate members, one of the house members and three of the members appointed by the governor shall serve until January 1, 1981, and the remaining members shall serve until January 1, 1982. All subsequent members shall be appointed in the manner provided in subsection 2 of this section and shall serve terms of two years.

5. The committee shall elect a chairman at its first meeting which shall be called by the governor. The committee shall meet upon the call of the chairman or the governor.

6. The committee shall review and approve or disapprove all applications for a certificate of need made under sections 197.300 to [197.366] **197.367**. It shall issue reasonable rules and regulations governing the submission, review and disposition of applications.

7. Members of the committee shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

8. No member of the Missouri health facilities review committee may accept a political donation from any applicant who applies for a certificate of need or review certification for a period of one year after the granting of the certificate of need or review certification or six months prior to requesting a certificate of need or review certification. If a member accepts a donation six months prior to the request for a certificate of need or review certification, it must be returned within ten business days of the filing request made by the applicant.

9. Notwithstanding the provisions of subsection 4 of section 610.025, RSMo, the proceedings and records of the facilities review committee shall be subject to the provisions of chapter 610, RSMo.

197.315. 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.
3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.
4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to [197.366] **197.367**, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.
5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to [197.366] **197.367**.
6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.
7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.
8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.
9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.
10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to **the department of health and senior services for expenditures related to the operation of the Missouri health facilities review committee**.
11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.
12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.
13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.
14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health **care** facility in its entirety.
15. A certificate of need may be granted to a **health care** facility for an expansion, an addition of services, a new institutional **health** service[, or for a new hospital facility] which provides for something less than that which was sought in the application.
16. The provisions of this section shall not apply to **health care** facilities operated by the state, and appropriation of

funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge.

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the mentally retarded.

[18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility.]

197.317. 1. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) [and], (g) **and (h)** of subdivision (10) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed pursuant to this chapter or a nursing care facility licensed pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after January 1, 2003, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to January 1, 2004. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.

2. The health facilities review committee shall utilize demographic data from the office of social and economic data analysis, or its successor organization, at the University of Missouri as their source of information in considering applications for new institutional long-term care facilities.

197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification.

197.326. 1. Any [person] **individual** who is paid either as part of his normal employment or as a lobbyist to support or oppose any project before the health facilities review committee shall register as a lobbyist pursuant to chapter 105, RSMo, and shall also register with the staff of the health facilities review committee for every project in which such person has an interest and indicate whether such person supports or opposes the named project. The registration shall also include the names and addresses of any person, firm, corporation or association that the person registering represents in relation to the named project. Any person violating the provisions of this subsection shall be subject to the penalties specified in section 105.478, RSMo.

2. A member of the general assembly who also serves as a member of the health facilities review committee is

prohibited from soliciting or accepting campaign contributions from any applicant or person speaking for an applicant or any opponent to any application or persons speaking for any opponent while such application is pending before the health facilities review committee.

3. Any [person regulated by chapter 197 or 198, RSMo,] **individual who registers pursuant to subsection 1 of this section, any applicant,** and any officer, attorney, agent and employee [thereof] **of such individual or applicant,** shall not offer to any committee member or to any person employed as staff to the committee, any office, appointment or position, or any present, gift, entertainment or gratuity of any kind or any campaign contribution while such application is pending before the health facilities review committee. Any person guilty of knowingly violating the provisions of this section shall be punished as follows: For the first offense, such person is guilty of a class B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class D felony.

197.375. As used in sections 197.375 to 197.397, the following terms mean:

(1) **"Acute care facilities", hospitals, diagnostic imaging centers, radiation therapy centers, ambulatory surgical facilities, short stay specialty units, or facilities designed to house first-time services whether they are in a specific fixed location or a mobile unit;**

(2) **"Affected person", the person proposing the development of a new institutional acute care service, the public to be served, and acute care facilities within the service area in which the proposed new institutional acute care services is to be developed;**

(3) **"Ambulatory surgical center", any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths, and which does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332, RSMo;**

[(3)] (4) **"Anesthesia and sedation", the administration to an individual, for any purpose, by any route, moderate or deep sedation as well as general, spinal, or other major regional anesthesia. Anesthesia and sedation does not include local anesthesia;**

[(4)] (5) **"Committee", the Missouri health facilities review committee established in section 197.310;**

[(5)] (6) **"Commonly controlled", the acute care facility transferring the licensed beds and the acute care facility receiving the beds as part of the same control group of entities defined in Section 414(b) and (c) of the Internal Revenue Code, as in effect from time to time; however, a not-for-profit entity will be commonly controlled if the transferring acute care facility is the sole corporate member of the acute care facility receiving the transfer, or the acute care facility receiving the transfer is the sole corporate member of the acute care facility transferring the beds, or both the transferring and receiving acute care facilities having the same entity as their sole corporate member, and in all cases, the sole corporate member shall retain sufficient reserve powers to be able to significantly influence the actions and policies of the acute care facilities;**

[(6)] (7) **"Cost", an expenditure by or on behalf of an acute care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, except [for] costs to lease property, buildings, or equipment necessary to establish a first-time service or a new institutional acute care service shall be included in the total project cost and any sales tax paid in the process of establishing such first-time service or new institutional acute care service shall be excluded from total project cost;**

[(7)] (8) **"Develop", to undertake those activities which on their completion will result in the offering of a new institutional acute care service or a first-time service, or the incurring of a financial obligation in relation to the offering of such a service;**

[(8)] (9) **"Expedited projects", those projects in which:**

(a) The person seeking review certification is operating an acute care facility and proposes to develop a new institutional acute care service or first-time service for such facility if the proposed new institutional acute care service or first-time service is a service already being offered in an acute care facility in a contiguous state that does not have certificate of need laws that regulate the service already being offered by the acute care facility in the contiguous state; and

(b) The acute care facility proposing the new institutional acute care service or first-time service is located in a metropolitan statistical area within one hundred miles of the contiguous state in which the acute care facility in which the proposed service already being offered is located;

[(9)] (10) "Filed" or "filing", delivery to the staff of the committee the document or documents an applicant believes constitutes an application and the appropriate application fee;

[(10)] (11) "First-time services", ambulatory surgical center whose equipment and property cost is more than 1.5 million dollars; and

the following regardless of cost, that are proposed in a specific location, including an ambulatory surgical center or a mobile unit:

(a) Magnetic resonance imaging (MRI), positron emission tomography (PET), and linear acceleration (radiation therapy);

(b) Open-heart surgery;

(c) Cardiac catheterization labs;

(d) Lithotripsy units;

(e) Gamma knife;

(f) Gastrointestinal laboratories and endoscopy laboratories, and any other facility, other than a hospital or ambulatory surgical center, where anesthesia and sedation occur;

(g) Compute[d]r tomography technology; or

(h) Other emerging medical equipment and related facilities that when their functionally related components are taken together, the cost exceeds three million dollars;

(11) "Maximum permissible distance":

(a) For an acute care facility located within a metropolitan statistical area, within one mile of the acute care facility's boundary wholly measured within the same county where the existing acute care facility is located;

(b) For an acute care facility located outside a metropolitan statistical area, within five miles of the acute care facility's boundary wholly measured within the same county where the existing acute care facility is located;

(12) "Metropolitan statistical area", as defined by the United States Office of Management and Budget according to standards published in the federal register on March 30, 1990, and as subsequently revised and applied to census bureau data;

(13) "New institutional acute care service":

(a) The development of a new acute care facility without regard to financing methodologies;

(b) The acquisition or development, without regard to financing methodologies, of any first-time service;

(c) Any change in a licensed bed capacity of an acute care service facility that increases the total number of beds by more than ten beds or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(d) A reallocation by an existing hospital of more than fifty licensed beds or more than fifty percent of total licensed bed capacity of the receiving hospital, whichever is less over the lifetime of the license, between two substantially similar hospitals that are related parties or commonly controlled. The total licensed bed capacity of the receiving hospital shall be calculated as of August 28, 2002, or for a hospital licensed after August 28, 2002, the initial date of licensure;

(e) Renovation of an acute care facility in a current location whose cost is over twenty million dollars;

(14) "Nonsubstantive projects", projects that are due to an act of God and do not involve the addition, replacement, modernization, or conversion of beds or the provision of a new institutional acute care service or first-time service, but whose costs would otherwise be reviewable;

(15) "Notification projects":

(a) Emerging medical equipment and related facilities that when their functionally related components are taken together the cost is less than three million dollars;

(b) A reallocation by an existing hospital of fifty or fewer licensed beds or fifty percent or less of total licensed bed capacity of the receiving hospital, whichever is less over the lifetime of the license, between two substantially similar hospitals that are related parties or are commonly controlled;

(c) Renovation of an acute care facility in a current location whose cost is less than twenty million dollars; except that, if the renovation is less than three million dollars, no notification is required;

(d) Nonsubstantive projects;

(e) Projects pursuant to subsection 1 or 2 of section [197.387] 197.384;

(f) Any project pursuant to section 197.390;

(16) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(17) "Related parties", those acute care facilities, regardless of incorporation, which are controlled by, under the control of, or commonly controlled with the acute care facility transferring the licensed beds and the acute care facility receiving the beds;

(18) "Review certification", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project described in sections 197.375 to 197.397 sufficiently satisfies the criteria prescribed for such projects by sections 197.375 to 197.397.

197.378. The health facilities review committee for projects described in sections 197.375 to 197.397 shall:

(1) Review and approve or disapprove all applications for a review certification made pursuant to sections 197.375 to 197.397. The committee shall issue reasonable rules governing the submission, review, and disposition of applications;

(2) Notify the applicant within fifteen days of the date of filing of an application as to the completeness of such application as defined by rule;

(3) Provide written notification to affected persons located within this state at the beginning of a review. The notification may be given through publication of the review schedule in all newspapers of general circulation in

the area to be served;

(4) Hold public hearings on all applications when a request in writing is filed by any affected person within thirty days from the date of publication of the notification of review;

(5) Within one hundred days of the filing of any application, issue in writing its findings of fact, conclusions of law, and its approval or denial of the review certification; provided that the committee may grant an extension of not more than thirty days on its own initiative or upon the written request of any affected person. For any expedited project, the health facilities review committee shall, within forty-five days of the filing of any application for an expedited project, issue in writing its findings of fact, conclusions of law, and its approval or denial of the review certification; provided that the committee may grant an extension of not more than twenty days on its own initiative or upon the written request of any affected person;

(6) Send to the applicant a copy of the aforesaid findings, conclusions, and decisions. Copies shall be available to any person upon request;

(7) Consider the needs and circumstances of institutions providing training programs for health personnel;

(8) Consider the predominant ethnic, cultural, or religious compositions of the residents to be served by an acute care facility in considering whether to grant a review certification;

(9) Provide for the availability, based on demonstration of need, of both medical and osteopathic facilities and services to protect the freedom of patient choice; and

(10) Failure by the committee to issue a written decision on an application for review certification within the time required by this section shall constitute approval of and the final administrative action on the application and shall be subject to appeal pursuant to section 197.387 only on the question of approval by operation of law.

197.381. 1. Any person who proposes to develop or offer a new institutional acute care service or a first-time service shall submit a letter of intent to the committee at least thirty days prior to the filing of the application unless:

(1) The new institutional acute care service:

(a) Will wholly replace, within a defined and reasonable time period, an existing acute care facility owned or operated by the person who would be required to submit a letter of intent;

(b) Is constructed on property within the maximum permissible distance from such existing acute care facility's boundary; and

(c) The license of the existing acute care facility will be terminated or transferred to the new acute care facility and the new acute care facility will be licensed upon approval by the department of health and senior services;

(2) The first-time service for which the person would otherwise be required to submit a letter of intent is the acquisition, development, or construction of a piece of equipment that:

(a) Is a replacement piece of equipment or an additional piece of equipment substantially similar to a piece of equipment for which a certificate of need or a review certificate has already been issued and is currently owned or operated by such person; and

(b) Will be placed in the same licensed location or licensed facility as the previously certified piece of equipment.

2. An application fee shall accompany each application for a review certification. The time of filing commences with the receipt of the application and the fee. The fee shall be one thousand dollars or one-tenth of one percent

of the total project, whichever is greater. All application fees shall be deposited in the state treasury. The general assembly will appropriate funds to the department of health and senior services for expenditures related to the operation of the health facilities review committee.

197.384. 1. For the purpose of submitting an application for review certification, any person who proposes to develop or offer a new institutional acute care service shall obtain a review certification from the committee prior to the time such services are offered unless the new institutional acute care service:

- (1)** Will wholly replace, within a defined and reasonable time period, an existing acute care facility owned or operated by the person who would be required to submit a letter of intent;
- (2)** Is constructed on property within the maximum permissible distance from such existing acute care facility's boundary; and
- (3)** The license of the existing acute care facility will be terminated or transferred to the new acute care facility and the new acute care facility will be licensed upon approval by the department of health and senior services.

2. Any person who proposes to develop or offer a first-time service shall obtain a review certification from the committee prior to the time such services are offered unless the first-time service for which the person would otherwise be required to submit a letter of intent is the acquisition, development, or construction of a piece of equipment that:

- (1)** Is a replacement piece of equipment or an additional piece of equipment substantially similar to a piece of equipment for which a certificate of need or a review certificate has already been issued and is currently owned or operated by such person; and
- (2)** Will be placed in the same licensed location or licensed facility as the previously certified piece of equipment.

Any person who proposes to replace a facility described in subdivision (1), (2), or (3) of subsection 1 of this section shall, no later than sixty days immediately prior to the date of the initiation of the construction process to begin replacement, conduct a public hearing regarding the project. Notice of hearing shall be given by publication in major newspapers of general circulation in the area to be served for four consecutive weeks prior to the hearing date. The Missouri facilities review committee shall notify all licensed acute care facilities within the service area in which the proposed new institutional acute care service is to be developed not less than thirty days prior to the hearing date.

4. Any person who proposes to add new, not previously licensed, beds to an existing hospital shall obtain a review certification, but shall not preclude the addition or transfer of beds without review certification as defined in paragraphs (c) and (d) of subdivision (13) of section 197.375.

5. Any person who proposes to renovate an acute care facility in a current location whose cost is over twenty million dollars shall obtain a review certification.

6. Only those new institution acute care services or first-time services that are found by the committee to meet the health needs of the community served shall be granted a review certification.

7. A review certification shall be issued only for the premises and persons named in the application and is not transferable except by the consent of the committee.

8. Project cost increases, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

9. Periodic reports to the committee shall be required of any applicant who has been granted a review certification until the project has been completed. The committee may order the forfeiture of the review

certification upon failure of the applicant to file any such report.

10. A review certification shall be subject to forfeiture for failure to incur capital expenditures within twelve months after the date of the order. The applicant may request two extensions from the committee to avoid forfeiture. In any case, regardless of any extensions that may be granted, if after one year no capital expenditure has been made, the total statewide count of the services in question shall not reflect the units undeveloped.

11. No state agency charged by statute to license or certify acute care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed and is required to have a review certification, without first obtaining a review certification.

12. No state agency shall appropriate or grant funds to or make payment of any funds to any person or acute care facility that has not first obtained every review certification required pursuant to sections 197.375 to 197.397.

13. If any person proposes to develop any new institutional health care service without a review certification as required by sections 197.375 to 197.397, the committee shall notify the attorney general and the attorney general shall seek an injunction or apply for other appropriate legal action in any court of this state against such person.

14. In no event shall a review certification be denied because the applicant refuses to provide abortion services or information.

15. A review certification shall not be required for the transfer of ownership of an existing and operational acute care facility in its entirety or for the conversion by a hospital of mobile first-time service to a first-time service in a permanent fixed location if the hospital previously received a certificate of need or review certificate for the mobile first-time service.

16. A review certification may be granted for something less than that which was sought in the original application.

17. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a review certification shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficiency and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a review certification must be obtained for continued use in such facility.

18. The provisions of section 197.326 shall apply to projects described in sections 197.375 to 197.397.

197.387. Within thirty days of the decision of the committee, the applicant may file an appeal pursuant to chapter 621, RSMo. Any subsequent appeal venue shall be the circuit court in the county within which such new institutional acute care service or first-time service is proposed to be developed, or the Cole County circuit court, at the applicant's discretion.

197.390. Review certification is not required for:

(1) Acute care facilities operated by the state. Appropriation of funds to such facilities by the general assembly shall be in compliance and such facilities shall be deemed to have received an appropriate review certification without any fee or charge;

(2) Notification projects pursuant to subdivision (16) of section 197.375 or nonsubstantive projects pursuant to subdivision (15) of section 197.375; except that, any person who wishes to pursue a notification project shall notify the committee in writing advising the committee of the nature of the project, the statutory authorization for classification as a notification project, and submit a verified statement of facts in support of such

classification.

197.393. For the purposes of reimbursement pursuant to section 208.152, RSMo, project costs for new institutional acute care services in excess of ten percent of the initial project estimate unless approval was obtained pursuant to subsection 8 of section 197.384 shall not be eligible for reimbursement for the first three years that a facility receives payment for services provided pursuant to section 208.152, RSMo. The initial estimate shall be that amount for which the original review certificate was obtained. Reimbursement for these excess costs after the first three years shall not be made until a review certification has been granted for the excess project costs. The provisions of this section shall apply only to facilities which file an application for a review certification or make application for cost-overrun review of their original application or waiver.

197.397. The committee shall have the power to promulgate reasonable rules, regulations, criteria, and standards in conformity with this section and chapter 536, RSMo, to meet the objectives of sections 197.300 to 197.397 including the power to establish criteria and standards to review new types of equipment or service. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 197.300 to 197.397 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 2002, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 2002, if it fully complied with all applicable provisions of the law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

[197.311. No member of the Missouri health facilities review committee may accept a political donation from any applicant for a license.]

[197.366. The provisions of subdivision (8) of section 197.305 to the contrary notwithstanding, after December 31, 2001, the term "health care facilities" in sections 197.300 to 197.366 shall mean:

- (1) Facilities licensed under chapter 198, RSMo;
- (2) Long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo;
- (3) Long-term care hospitals or beds in a long-term care hospital meeting the requirements described in 42 CFR, section 412.23(e); and
- (4) Construction of a new hospital as defined in chapter 197.]; and

Further amend said title accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 105, Section 3, Line 20, by deleting all of said section; and

Further amend title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, by inserting in the appropriate location the following:

"288.037. 1. The term "employer" shall include any Indian tribe for which service in employment as defined in section 288.034 is performed.

2. The term "employment" shall include service performed in the employ of an Indian tribe, as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), provided such service is excluded from "employment" as defined in FUTA solely by reason of Section 3306(c)(7), FUTA, and is not otherwise excluded from "employment" under this chapter. For purposes of this section, the exclusions from employment in subsection 9 of section 288.034 shall be applicable to services performed in the employ of an Indian tribe.

3. Benefits based on service in employment defined in this section shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter. The provisions of subsection 3 of section 288.040 pertaining to services performed at an educational institution while in the employ of an "educational service agency" shall apply to services performed in an educational institution or educational service agency wholly owned and operated by an Indian tribe or tribal unit.

4. (1) Indian tribes or tribal units, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the state unemployment fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe. An Indian tribe and all tribal units of such Indian tribe shall be jointly and severally liable for any and all contributions, payments in lieu of contributions, interest, penalties, and surcharges owed by the Indian tribe and all tribal units of such Indian tribe.

(2) Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided in subsection 3 of section 288.090 pertaining to state and local governments and nonprofit organizations subject to this chapter. Indian tribes will determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units. Termination of an Indian tribe's coverage pursuant to subdivision (5) of this subsection shall terminate the election of such Indian tribe and any tribal units of such Indian tribe to make payments in lieu of contributions.

(3) Indian tribes or tribal units will be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

(4) Any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, prior to the effective date of its election, to post with the division a surety bond issued by a corporate surety authorized to do business in Missouri in an amount equivalent to the contributions or payments in lieu of contributions for which the Indian tribe or tribal unit was liable in the last calendar year in which it accrued contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever amount is the greater, to ensure prompt payment of contributions or payments in lieu of contributions, interest, penalties, and surcharges for which the Indian tribe or tribal unit may be, or becomes, jointly and severally liable pursuant to this chapter.

(5) Failure of the Indian tribe or tribal unit to maintain the required surety bond, including the posting of an additional surety bond or a replacement surety bond within ninety days of being directed by the division, will cause services performed for such Indian tribe to not be treated as "employment" for purposes of subsection 2 of this section.

(6) The director may determine that any Indian tribe that loses coverage under subdivision (5) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, and interest have been paid. Upon reinstatement of coverage under this subdivision, an Indian tribe or any tribal unit may elect, in accordance with the provisions of this subsection, to make payments in lieu of contributions.

(7) If an Indian tribe fails to maintain the required surety bond by posting an additional surety bond or a

replacement surety bond within ninety days of being directed by the division, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

(8) Notices of surety bond deficiency to Indian tribes or their tribal units shall include information that failure to post an additional surety bond or a replacement surety bond within the prescribed time frame:

(a) Will cause the Indian tribe to be liable for taxes under FUTA;

(b) Will cause the Indian tribe to be excepted from the definition of "employer," as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

5. (1) Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within ninety days of receipt of the bill will cause services performed for such Indian tribe to not be treated as "employment" for purposes of subsection 2 of this section.

(2) The director may determine that any Indian tribe that loses coverage under subdivision (1) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, and interest have been paid.

(3) If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within ninety days of a final notice of delinquency, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

6. Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed time frame:

(1) Will cause the Indian tribe to be liable for taxes under FUTA;

(2) Will cause the Indian tribe to be excepted from the definition of "employer", as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

7. Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the federal government shall be financed in their entirety by such Indian tribe."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location the following:

"Section 4 1. Any skilled nursing facility licensed pursuant to chapter 198, RSMo, that provides health care and related services which are paid to or reimbursed by the state of Missouri to such facility in a total amount in excess of one hundred thousand dollars in a calendar year shall not use any such state moneys for any purpose not treated as an allowable cost under Medicare

2. Any skilled nursing facility that makes expenditures that are not treated as allowable costs under Medicare shall maintain sufficient records to show that no state moneys are used for such expenditures. The facility shall, upon request, provide such records to the division of medical services within the department of social services. Such records shall be subject to audit by the state of Missouri.

3. Any facility subject to this section shall annually submit certification to the division of medical services that

no state moneys will be expended for any purpose treated as an allowable cost under Medicare. Any facility that does not submit such annual certification shall be subject to a fine of not less than five hundred dollars and fifty dollars a day for each day such certification is not provided to the division.

4. Any skilled nursing facility that fails to maintain or provide the division with the records required in this section when requested by the division shall be subject to a fine of not less than one thousand dollars and one hundred dollars a day for each day such records are not maintained or provided to the division.

5. Any skilled nursing facility that expends state moneys in violation of this section is liable to the state for double the amount of any state moneys expended in violation of this section. For purposes of accounting expenditures, if state moneys and other moneys are commingled, any expenditure made for any purpose treated as an allowable cost under Medicare shall be allocated between state moneys and other moneys on a pro rata basis.

6. Any person may file a complaint with the division of medical services if such person believes that a skilled nursing facility is expending state moneys in violation of this section. Upon the filing of such complaint, the director of the division shall, within five business days, direct the facility to produce sufficient records and documentation to show that no state moneys have been or are being expended in violation of this section.

7. Any person who knowingly authorizes the use of state moneys for any purpose prohibited by this section shall be liable to the state for double the amount of such expenditures.

8. Nothing in this section shall be construed as prohibiting any individual from filing a cause of action for a violation of this section.

Section 5. 1. A skilled nursing facility subject to the provisions of this section shall not discharge, demote, threaten, or otherwise discriminate against any individual or employee with respect to compensation, terms, conditions, or privileges of employment because such individual or employee, or any person acting at the request of the employee, provided or attempted to provide information regarding possible violations of section 2 of this act.

2. Any individual, employee, or former employee subject to this section who believes that he or she has been discharged or otherwise discriminated against in violation of this section may file a civil action within three years of the date of such discharge or discrimination.

3. If a court of competent jurisdiction finds by a preponderance of the evidence that a violation of this section has occurred, the court may grant such relief as it may consider appropriate, including but not limited to:

- (1) Reinstatement of the employee to the employee's former position;
- (2) Compensatory damages, costs, and reasonable attorney fees; and
- (3) Other relief to remedy the past discrimination.

4. The protections of this section shall not apply to any individual, employee, or former employee who:

- (1) Deliberately causes or participates in the alleged violation of law or rule; or
- (2) Knowingly or recklessly provides substantially false information to the division of medical services."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location the following:

"198.345. Nothing in sections 198.200 to 198.350 shall prohibit a nursing home district from establishing and maintaining senior housing within its corporate limits."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location the following:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a handling fee of fifteen dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

4. Effective February first of each year, the handling fee and per page fee listed in subsection 1 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for all urban consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted handling and per page fees on the department's Internet website by February first of each year.

[191.233. The limits provided in section 191.227 shall be increased or decreased on an annual basis effective January first of each year in accordance with the Health Care Financing Administration Market Basket Survey.]" and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location:

"Section 1. No health care provider, including any corporation which delivers, or purports to deliver, any health care, shall be eligible to receive payments from any medical assistance program, as defined by Section 191.900(7), if an officer or director of such provider has been convicted, in state or federal court, of criminal fraud against a medical assistance program.

Section 2. Any official having the authority to prosecute health care fraud and abuse shall also have the authority to seek an injunction prohibiting health care payments in violation of section 1."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location the following:

"Section 1. 1. For purposes of chapters 193, 333, and 436, RSMo, and where not otherwise defined, the term "next of kin" means the following persons in the priority listed if such person is eighteen years of age or older and is mentally competent:

(1) Surviving spouse;

(2) Any surviving child of the deceased. If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the child;

(3) Any surviving parent of the deceased. If the deceased was a minor, the surviving parent for purposes of determining next of kin is the parent who had custody of the minor. If the deceased was a minor and the deceased's parents had joint custody, the surviving parent for purposes of determining next of kin is the parent whose home was the minor child's residence for purposes of mailing and education;

(4) Any surviving brother or sister of the deceased. If the deceased had more than one brother or sister, then the surviving brother or sister for purposes of determining next of kin is the eldest brother or sister;

(5) The next nearest surviving relative of the deceased by consanguinity or affinity;

(6) Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next of kin assumes such responsibility;

(7) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, county, or this state financially responsible for the cost of disposition.

2. In any civil cause of action against a funeral director or funeral establishment for actions taken regarding the funeral arrangements for a deceased person in their care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions were reasonable and taken in reliance upon a person's claim to be the deceased person's next of kin."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 15, Section 197.318, Line 24 of said page, by adding the following after the word "category.":

"Notwithstanding the preceding provision of law, any facility licensed pursuant to chapter 198, RSMo, and located in a city not within a county may, on or before December 31, 2003, relocate up to one hundred of such facility's current licensed beds to a newly constructed facility to be licensed within the same licensure category and located in a county that is adjoining the city not within a county if both facilities are under the same licensure ownership or control."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1011**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 1011, by inserting in the appropriate location the following section:

"Section 1. Notwithstanding any provisions of law to the contrary, any utility unit, as defined in Title IV of the federal Clean Air Act, 42 U.S.C. Section 7851a, that uses coal-fired cyclone boilers which also burn tire derived fuel shall limit emissions of oxides of nitrogen to a rate no greater than eighty percent of the emission limit for cyclone-fired boilers in Title IV of the federal Clean Air Act and implementing regulations in 40 CFR Part 76, as amended. The provisions of this section shall expire on April 30, 2004, or upon the effective date of a revision to 10 CSR 10-6.350, whichever later occurs. The director of the department of natural resources shall notify the revisor of statutes of the effective date of a revision to 10 CSR 10-6.350."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Kenney, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SCS** for **SB 1026**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1026

The Conference Committee appointed on House Substitute for Senate Committee Substitute for Senate Bill No. 1026 with House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Committee Substitute for Senate Bill No. 1026, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 1026;
3. That the attached Conference Committee Substitute for House Substitute for Senate Committee Substitute for Senate Bill No. 1026 be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Bill Kenney /s/ Joan Barry-100

/s/ Betty Sims /s/ Harold R. Selby

/s/ Larry Rohrbach /s/ Joseph L. Treadway

/s/ Pat Dougherty /s/ Jerry R. King

/s/ Stephen Stoll /s/ Bob May

Senator Kenney moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Loudon	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins--26		
NAYS--Senator Yeckel--1			
Absent--Senators			
Coleman	Klindt	Mathewson	Quick
Schneider	Staples--6		
Absent with leave--Senator DePasco--1			

On motion of Senator Kenney, **CCS** for **HS** for **SCS** for **SB 1026**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1026

An Act to repeal sections 194.220, 194.230, 376.1219, RSMo, and to enact in lieu thereof seven new sections relating to health insurance coverage for cancer treatment and prevention and certain inherited diseases.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Loudon	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Coleman	Goode	Klindt	Mathewson
Quick	Schneider	Staples--7	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Loudon moved that motion lay on the table, which motion prevailed.

Senator Gibbons, on behalf of the conference committee appointed to act with a like committee from the House on **SCS for HB 2120**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2120

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 2120 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 2120;
2. That the House recede from its position on House Bill No. 2120;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 2120, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Michael R. Gibbons /s/ W. Craig Hosmer

/s/ Chuck Gross /s/ Phillip M. Britt

/s/ Anita Yeckel /s/ Gary Kelly

/s/ Wayne Goode /s/ Luann Ridgeway

/s/ Harry Kennedy /s/ Robert Mayer

Senator Gibbons moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Coleman	Jacob	Mathewson	Quick
Staples--5			

On motion of Senator Gibbons, **CCS** for **SCS** for **HB 2120**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 2120

An Act to repeal section 570.020, RSMo, and to enact in lieu thereof one new section relating to the method of ascertaining the value of property.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Coleman	Mathewson	Quick	Staples--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Goode moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1898** and grant the House a conference thereon, which motion prevailed.

Senator Sims moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 670** and **684**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that **SB 1011**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney

Kinder	Klarich	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Klindt	Mathewson	Quick	Staples--4
	Absent with leave--Senator DePasco--1		

On motion of Senator Caskey, **SB 1011**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Loudon	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Goode	Klindt	Mathewson
Quick	Singleton	Staples--7	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

Senator Steelman moved that **HB 1489** and **HB 1850**, with **SCS, SS** for **SCS, SA 4** and **SSA 1** for **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 4** was again taken up.

Senator Childers assumed the Chair.

Senator Rohrbach moved that the above substitute amendment be adopted.

Senator Steelman requested a roll call vote be taken on the adoption of **SSA 1** for **SA 4** and was joined in her request by Senators Cauthorn, Stoll, Westfall and Wiggins.

SSA 1 for **SA 4** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Dougherty
Gibbons	Goode	Gross	Jacob
Johnson	Kenney	Kinder	Loudon
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Stoll	Wiggins--20
NAYS--Senators			
Caskey	Cauthorn	Coleman	Foster
House	Kennedy	Klindt	Steelman
Westfall--9			
Absent--Senators			
Klarich	Mathewson	Staples	Yeckel--4
Absent with leave--Senator DePasco--1			

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Pages 19-22, Section 650.350, by striking all of said section and inserting in lieu thereof the following:

- "650.350. 1. There is hereby created within the department of public safety the "Missouri Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of five sitting sheriffs. The Missouri sheriffs' association board of directors will submit twenty names of sitting sheriffs to the governor. The governor will then select five of these twenty names, no more than three from any one political party, to serve a term of two years. The members shall elect a chair from among their membership. Members shall receive no compensation for the performance of their duties pursuant to this section, but each member shall be reimbursed from the MoSMART fund for actual and necessary expenses incurred in carrying out duties pursuant to this section.**
- 2. MoSMART shall meet no less than twice each calendar year, with additional meetings called by the chair upon the request of at least two members. A majority of the appointed members shall constitute a quorum.**
- 3. A special fund is hereby created in the state treasury, to be know as the "MoSMART Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law. All moneys received for MoSMART from appropriations, interest, or federal moneys shall be deposited to the credit of the fund. The director of the department of public safety shall distribute at least fifty percent but not more than one hundred percent of the fund annually in the form of grants approved by MoSMART.**
- 4. All moneys appropriated to or received by MoSMART shall be deposited and credited to the MoSMART fund. The department of public safety shall only be reimbursed for actual and necessary expenses for the administration of MoSMART, which shall be no less than one percent and which shall not to exceed two percent of all moneys appropriated to the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART fund shall not lapse to general revenue at the end of the biennium.**
- 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

6. Any county law enforcement entity or established task force with a memorandum of understanding and protocol may apply for grants from the MoSMART fund on an application to be developed by the department of public safety with the approval of MoSMART. All applications shall be evaluated by MoSMART and approved or denied based upon the level of funding designated for methamphetamine enforcement before 1997 and upon current need and circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand dollars per year. The department of public safety shall monitor all MoSMART grants.

7. MoSMART's anti-methamphetamine funding priorities are as follows:

(1) Sheriffs who are participating in coordinated multi-jurisdictional task forces and have their task forces apply for funding;

(2) Sheriffs whose county has been designated HIDTA counties, yet have received no HIDTA or narcotics assistance program funding; and

(3) Sheriffs without HIDTA designations or task forces, whose application justifies the need for MoSMART funds to eliminate methamphetamine labs."

Senator Cauthorn moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Page 3, Section 650.350, Line 18, by adding:

"8. No state funds shall be appropriated to the "MO Smart Fund".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

At the request of Senator Steelman, **HB 1489** and **HB 1850**, with **SCS**, **SS** for **SCS** and **SA 5**, as amended (pending), were placed on the Informal Calendar.

HCS for **HB 1143**, with **SCS**, entitled:

An Act to repeal sections 135.478, 135.481, 135.484, 135.487, 135.530, and 143.811, RSMo, and to enact in lieu thereof seven new sections relating to tax credits for distressed communities.

Was called from the Informal Calendar and taken up by Senator Kenney.

SCS for **HCS** for **HB 1143**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1143

An Act to repeal sections 72.080, 72.130, 88.010, 88.013, 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060, 88.063, 88.073, 99.050, 99.134, 135.207, 135.230, 135.400, 135.403, 135.408, 135.411, 135.423, 135.431, 135.478, 135.481, 135.484, 135.487, 135.530, 143.811, 238.230, 348.300 and 348.302, RSMo, section

135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, and to enact in lieu thereof seventy-three new sections relating to community development.

Was taken up.

Senator Kenney moved that **SCS** for **HCS** for **HB 1143** be adopted.

Senator Kenney offered **SS** for **SCS** for **HCS** for **HB 1143**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1143

An Act to repeal sections 72.080, 72.130, 88.010, 88.013, 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060, 88.063, 88.073, 99.050, 99.134, 135.207, 135.230, 135.400, 135.403, 135.408, 135.411, 135.423, 135.431, 135.478, 135.481, 135.484, 135.487, 135.530, 143.811, 238.230, 348.300 and 348.302, RSMo, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, and to enact in lieu thereof ninety-nine new sections relating to community development.

Senator Kenney moved that **SS** for **SCS** for **HCS** for **HB 1143** be adopted.

Senator Foster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 3, Section 68.200, Lines 26-27 of said page, by striking all of said section from the bill; and

Further amend said bill, Pages 2-9, Section 68.202, by striking all of said section from the bill; and

Further amend said bill, Pages 10-11, Section 68.204, by striking all of said section from the bill; and

Further amend said bill, Page 11, Section 68.206, by striking all of said section from the bill; and

Further amend said bill, Pages 11-12, Section 68.208, by striking all of said section from the bill; and

Further amend said bill, Pages 12-13, Section 68.210, by striking all of said section from the bill; and

Further amend said bill, Pages 13-14, Section 68.212, by striking all of said section from the bill; and

Further amend said bill, Pages 14-18, Section 68.214, by striking all of said section from the bill; and

Further amend said bill, Pages 18-20, Section 68.218, by striking all of said section from the bill; and

Further amend said bill, Pages 20-24, Section 68.220, by striking all of said section from the bill; and

Further amend said bill, Pages 24-25, Section 68.222, by striking all of said section from the bill; and
Further amend said bill, Pages 25-26, Section 68.224, by striking all of said section from the bill; and
Further amend said bill, Pages 26-27, Section 68.226, by striking all of said section from the bill; and
Further amend said bill, Pages 27-30, Section 68.230, by striking all of said section from the bill; and
Further amend said bill, Pages 30-32, Section 68.232, by striking all of said section from the bill; and
Further amend said bill, Page 32, Section 68.234, by striking all of said section from the bill; and
Further amend said bill, Page 32, Section 68.236, by striking all of said section from the bill; and
Further amend said bill, Page 33, Section 68.238, by striking all of said section from the bill; and
Further amend said bill, Page 33, Section 68.240, by striking all of said section from the bill; and
Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Pages 58-61, Section 99.134 of said pages, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 146, Section 238.230, Line 29 of said page, by inserting after all of said line the following:

"288.037. 1. The term "employer" shall include any Indian tribe for which service in employment as defined in section 288.034 is performed.

2. The term "employment" shall include service performed in the employ of an Indian tribe, as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), provided such service is excluded from "employment" as defined in FUTA solely by reason of Section 3306(c)(7), FUTA, and is not otherwise excluded from "employment" under this chapter. For purposes of this section, the exclusions from employment in subsection 9 of section 288.034 shall be applicable to services performed in the employ of an Indian tribe.

3. Benefits based on service in employment defined in this section shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter. The provisions of subsection 3 of section 288.040 pertaining to services performed at an educational institution while in the employ of an "educational service agency" shall apply to services performed in an educational institution or educational service agency wholly owned and operated by an Indian tribe or tribal unit.

4. (1) Indian tribes or tribal units, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the state unemployment fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe. An Indian tribe and all tribal units of such Indian tribe shall be jointly and severally liable for any and all contributions, payments in lieu of contributions, interest, penalties, and surcharges owed by the Indian tribe and all tribal units of such Indian tribe.

(2) Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided in subsection 3 of section 288.090 pertaining to state and local governments and nonprofit organizations subject to this chapter. Indian tribes will determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units. Termination of an Indian tribe's coverage pursuant to subdivision (5) of this subsection shall terminate the election of such Indian tribe and any tribal units of such Indian tribe to make payments in lieu of contributions.

(3) Indian tribes or tribal units will be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

(4) Any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, prior to the effective date of its election, to post with the division a surety bond issued by a corporate surety authorized to do business in Missouri in an amount equivalent to the contributions or payments in lieu of contributions for which the Indian tribe or tribal unit was liable in the last calendar year in which it accrued contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever amount is the greater, to ensure prompt payment of contributions or payments in lieu of contributions, interest, penalties, and surcharges for which the Indian tribe or tribal unit may be, or becomes, jointly and severally liable pursuant to this chapter.

(5) Failure of the Indian tribe or tribal unit to maintain the required surety bond, including the posting of an additional surety bond or a replacement surety bond within ninety days of being directed by the division, will cause services performed for such Indian tribe to not be treated as "employment" for purposes of subsection 2 of this section.

(6) The director may determine that any Indian tribe that loses coverage under subdivision (5) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, and interest have been paid. Upon reinstatement of coverage under this subdivision, an Indian tribe or any tribal unit may elect, in accordance with the provisions of this subsection, to make payments in lieu of contributions.

(7) If an Indian tribe fails to maintain the required surety bond by posting an additional surety bond or a replacement surety bond within ninety days of being directed by the division, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

(8) Notices of surety bond deficiency to Indian tribes or their tribal units shall include information that failure to post an additional surety bond or a replacement surety bond within the prescribed time frame:

(a) Will cause the Indian tribe to be liable for taxes under FUTA;

(b) Will cause the Indian tribe to be excepted from the definition of "employer," as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

5. (1) Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within ninety days of receipt of the bill will cause services performed for such Indian tribe to not be

treated as "employment" for purposes of subsection 2 of this section.

(2) The director may determine that any Indian tribe that loses coverage under subdivision (1) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, and interest have been paid.

(3) If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within ninety days of a final notice of delinquency, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

6. Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed time frame:

(1) Will cause the Indian tribe to be liable for taxes under FUTA;

(2) Will cause the Indian tribe to be excepted from the definition of "employer", as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

7. Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the federal government shall be financed in their entirety by such Indian tribe."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Pages 133-134, Section 135.530, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dougherty, SA 4 was withdrawn.

Senator Dougherty offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 134, Section 135.530, Lines 2 and 3, by deleting said brackets and on line 12, by deleting said brackets.

Senator Dougherty moved that the above amendment be adopted.

President Pro Tem Kinder assumed the Chair.

Senator Rohrbach offered SSA 1 for SA 5, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143,

Page 133, Section 135.530, Lines 25-29, by deleting the word "Missouri" on line 25, by deleting all of lines 26-28, and deleting the words "to the last decennial census, or a" on line 29; and

Further amend said bill and section, page 134, by deleting the brackets in said section.

Senator Rohrbach moved that the above substitute amendment be adopted.

At the request of Senator Rohrbach, **SSA 1** for **SA 5** was withdrawn.

At the request of Senator Dougherty, **SA 5** was withdrawn.

Senator Childers offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"Section 1. Notwithstanding any other provision of law to the contrary, any portion of a redevelopment area located in a historic downtown district and included in a redevelopment plan which included a substantial portion of a city shall, if removed from such area for the purpose of adopting a new redevelopment plan, be entitled to a new twenty-three-year period in accordance with section 99.810, RSMo, notwithstanding the fact that such area may have been included within a redevelopment area previously approved by the city.

Section 2. Any proceeding involving the validity or enforceability of any security for any bond, note or obligation issued by any city shall be conclusively deemed to have been completed by the city in accordance with the law under which such proceedings were authorized notwithstanding any technical or other defects or omissions in such proceedings, and such proceedings shall not be subject to legal challenge on and after the date the city issues bonds, notes or other obligations unless such challenge is brought within ninety days following the completion of the proceedings of the city or such shorter period as may be prescribed in any law authorizing such proceedings.

Section 3. Notwithstanding any provision of law the contrary, the security for any bond, note or other obligation issued by or on behalf of the city to finance infrastructure facilities may include a pledge of payments in lieu of taxes or a pledge or appropriation of economic activity tax revenues generated within a redevelopment area designated by any municipality pursuant to the provisions of section 99.800 to 99.865, RSMo, whether or not the infrastructure facilities to be financed with the proceeds of bonds, notes or other obligations are located within the boundaries of said redevelopment area are generating such taxes or revenues."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion failed.

Senators Schneider and Goode offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 1, In the Title, Line 17, by inserting after "development" the following: ", with an effective date for certain sections"; and

Further amend said bill, page 61, Section 99.134, Line 22, by inserting after all of said line the following:

"99.805. As used in sections 99.800 to [99.865] 99.873, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(2) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) "High unemployment", unemployment in the census block group or contiguous group of block groups in which the redevelopment project is located of at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of nonmetropolitan counties if the area is not located in a metropolitan statistical area;

(8) "Low fiscal capacity", per capita assessed valuation of property in the municipality of less than sixty percent of the entire county in which it is located, or, in unincorporated areas, when the per capita assessed valuation of property in the school district is less than sixty percent of the entire county in which it is located;

(9) "Moderate income", either a Missouri municipality within a metropolitan statistical area which has a population of at least one thousand five hundred and median household income of under ninety percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under ninety percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition, the definition shall include municipalities not within a metropolitan statistical area, with a median household income of under ninety percent of the median household income for the nonmetropolitan areas in Missouri according to the last decennial census or a census block group or contiguous group of block groups which has a population of at least one thousand five hundred, and each block group having a median household income of under ninety percent of the median household income for the nonmetropolitan areas of Missouri, according to the last decennial census;

[(7)] (10) "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] (11) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)] (12) "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] (13) "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)] (14) "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project;

[(12)] (15) "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] (16) "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] (17) "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(18) "Retail", any establishment possessing a retail sales license and responsible for the collection of sales taxes pursuant to the provisions of section 144.080, RSMo;

(19) "Retail redevelopment project", any development project within a redevelopment area, as defined in this section, where more than thirty-three percent of the total estimated redevelopment project costs are devoted to the construction, reconstruction, or expansion of retail establishments or of privately-owned infrastructure or facilities ancillary to sales at retail;

[(15)] **(20)** "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(16)] **(21)** "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(17)] **(22)** "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; [and]

[(18)] **(23)** "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the

most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

- (1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision [and], an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;
- (2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;
- (3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;
- (4) A plan has been developed for relocation assistance for businesses and residences;
- (5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;
- (6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

- (1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by

ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to **blighted areas located in distressed communities pursuant to section 135.530, RSMo**, blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her

designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

99.866. 1. Except as provided in subsection 2 of this section, sections 99.866 to 99.872 shall apply to any city not within a county, any county with a charter form of government and with more than one million inhabitants, any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants, any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, any county of the first classification without a charter form of government and with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but less than thirty-nine thousand inhabitants, any county of the fourth classification with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred inhabitants, and any county of the third classification without a township form of government and with more than seventeen thousand eight hundred but less than seventeen thousand nine hundred inhabitants.

2. Any redevelopment project consisting solely of public infrastructure improvements on public land requiring two million dollars or less in tax increment financing, wherein the bonds for such project will be paid off in seven years or less, shall be exempt from the provisions of sections 99.866 to 99.872. However, no "stringing" of projects shall be allowed. No exempt project pursuant to this section shall be combined with another exempt project pursuant to this section for a period of five years.

3. Any redevelopment project for which eligible project redevelopment costs are to be paid from that portion of the total economic activity taxes and payments in lieu of taxes imposed by the municipality only, and real or potential revenues from no other taxing jurisdictions are involved, are exempt from the provisions of sections 99.866 to 99.872.

99.867. 1. The municipality and any proposed redevelopment area shall meet the requirements of section 99.810 and this section. In addition, if the proposed redevelopment project is a retail redevelopment project, it must be

in a redevelopment area where:

- (1) The host municipality or, for unincorporated areas, the host school district has low fiscal capacity; or**
- (2) The census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area have high unemployment; or**
- (3) The municipality, census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area are characterized by moderate income.**

2. Tax increment financing shall not be used for more than thirty percent of the total estimated redevelopment costs of a project unless the redevelopment is in a municipality, census block group or group of block groups with a median household income less than seventy percent of that of the metropolitan area, a distressed community as defined in section 135.530, RSMo, a federal enterprise zone or a federal empowerment zone. Tax increment financing shall not be used to develop sites in which twenty-five percent or more of the area is vacant and has not previously been developed or qualifies as "open space" pursuant to section 67.900, RSMo, or is presently being used for agricultural or horticultural purposes.

3. If the majority of the proposed redevelopment project is located in an area meeting the requirements of low fiscal capacity, high unemployment, and moderate income set forth in this section, and if such conditions are documented in an area which is contiguous to but outside of the qualifying area, and is smaller than a census block group, the contiguous area shall be added to the qualifying area.

99.870. Commencing with the first fiscal year in which any municipality receives any payments in lieu of taxes from a redevelopment project and continuing through the last fiscal year in which the municipality receives such payments, the municipality shall pay to any other taxing entities entitled to receive revenue from levies on real property in such municipality, an amount equal to twenty-five percent of the payments in lieu of taxes received by the municipality. This amount shall be divided among the other affected taxing entities on a basis that is proportional to the collections of revenue from real property in the development area to which each such taxing district is entitled during that tax year.

99.871. In addition to the requirements which may apply pursuant to section 99.810, no redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision, an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met, and a study stating that records were reviewed, inspections were made, comparisons were made, or tasks undertaken demonstrating that the property has not been developed through private enterprise over a period of time. Such a study should be signed by a responsible party in the local jurisdiction who is designated as being responsible for the study's representations. The study shall be of sufficient specificity to allow representatives of the tax increment financing commission or the municipality, or both, to conduct investigations deemed necessary in order to confirm its findings;

(2) An economic feasibility analysis including a pro forma financial statement indicating a return on investment that may be expected without public assistance. The financial statement shall detail any assumptions made, a pro forma statement analysis demonstrating the amount of assistance required to bring the return into a range deemed attractive to private investors, which amount shall be equal to the estimated reimbursable project costs.

99.872. The municipality and the developer shall annually submit information to the department regarding an approved plan for as long as the plan is in effect. The department shall establish reporting requirements by rule promulgated pursuant to chapter 536, RSMo. The department shall submit a report to the governor and the

general assembly by December thirty-first of each year. The report shall, at a minimum, identify the number and location of redevelopment areas, quantify public investment in each, and assess the public benefit derived from the redevelopment project.

99.873. Any district in any city not within a county, any county with a charter form of government and with more than one million inhabitants, any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants, any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, any county of the first classification without a charter form of government and with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but less than thirty-nine thousand inhabitants, any county of the fourth classification with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred inhabitants, and any county of the third classification without a township form of government and with more than seventeen thousand eight hundred but less than seventeen thousand nine hundred inhabitants, providing emergency services pursuant to chapter 190 or 321, RSMo, shall be entitled to reimbursement from the special allocation fund for direct costs. However, such reimbursement shall not be less than twenty-five percent nor more than one hundred percent of the district's tax increment.

99.874. The provisions of this act shall apply to all redevelopment projects which are approved by a municipality after the effective date of this act."; and

Further amend said bill, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"Section B. The repeal and reenactment of sections 99.805, 99.810, 99.845 and the enactment of sections 99.866, 99.867, 99.870, 99.871, 99.872, 99.873 and 99.874 of this act shall become effective July 1, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"Section 1. 1. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants.

2. Sections 99.800 to 99.865, RSMo, shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects (including redevelopment project costs) by not more than forty percent of such project original projected cost (including redevelopment project costs) as such projects (including redevelopment project costs) existed as of June 30, 2003, and shall allow the aforementioned tax incremented financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 141, Section 143.811, Line 9, by inserting immediately after said line the following:

"[150.150. Except as otherwise provided in this section, the collector shall, at the time of delivering such license, collect the sum of five dollars, the fee allowed in this section to the clerk for issuing the license, except that any fees herein received by the collector shall be paid into the county or city treasury, as provided by law. In any county of the first classification with a charter form of government which contains all or part of a city with a population of three hundred fifty thousand or more inhabitants, the collector shall, at the time of delivering such license, collect a fee set by the governing body of the county, except that such fee shall not exceed one hundred dollars and the governing body of the county may, in lieu of altering the fee otherwise prescribed in this section, elect to not collect any fee for the issuance and delivery of such licenses.]

150.150. The collector shall, at the time of delivering such license, collect the sum of [five dollars] **up to twenty-five dollars, adjusted annually based on the consumer price index**, in all counties [of the first classification] having a charter form of government and in any city not within a county [and twenty-five dollars] **which shall be set by such governing body**. In all other counties, the fee [herein allowed to the clerk for issuing the same] **shall be twenty-five dollars**; provided, that five dollars of any fees herein received by the collector shall be paid into the county or city treasury, as provided by law and twenty dollars shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 9** is out of order as it goes beyond the scope and purpose of the bill.

President Maxwell assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

At the request of Senator Kenney, **HCS** for **HB 1143**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 1898**. Representatives: Campbell, Foley, Harlan, Naeger, and Hunter.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended. Representatives: Gratz, Relford, Williams, Legan and Burcham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended. Representatives: Monaco, Clayton, Smith, Richardson and Crowell.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SBs 670** and **684**, as amended and grants the Senate a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 1061** and **1062**, as amended: Senators Rohrbach, Kenney, Klindt, Mathewson and Wiggins.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1898**: Senators Russell, Rohrbach, Gibbons, Goode and Mathewson.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1775, regarding Carl R. Kruse, M.D., Palmyra, which was adopted.

Senator Singleton offered Senate Resolution No. 1776, regarding Jacob Brower, Joplin, which was adopted.

COMMUNICATIONS

Senator Caskey submitted the following objection:

NOTICE OF OBJECTION

May 15, 2002

Mrs. Terry Spieler

Secretary of the Senate

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Madame Secretary:

Pursuant to Rule 10, I hereby formally object to the ruling of the Chair on the point of order raised this date concerning the legality of offering the Senate Committee Substitute and the Senate Substitute for House Bill No. 1906, in that sections 33.900 and 578.475 are inconsistent with the underlying purpose of the legislation. The Chair ruled that the substitutes were in order.

Rule 10 of the Rules of the Senate state in part: "The president pro tem shall be parliamentarian of the senate and may decide all points of order..." and "All rulings on points of order shall be subject to appeal to the senate...". I request that this formal objection be printed in the Senate Journal for this day.

Article III, Section 21 of the Missouri Constitution states: "...no bill shall be so amended in its passage through either house as to change its original purpose". The original purpose of the introduced bill was to aid the current state fiscal crisis through the transfer of excess unobligated cash balances of certain state funds to general revenue.

Section 578.475 is contained in the Senate Substitute and prohibits the knowing transfer of human fetal parts for valuable consideration; it does not involve in any way state funds and therefore is inconsistent with the original purpose of the bill. Section 33.900, which prohibits the expenditure of public funds to subsidize abortion services or administrative expenses, does not change the current level of appropriations and is similarly inconsistent with the original purpose of the bill.

/s/ Harold Caskey

INTRODUCTIONS OF GUESTS

Senator Dougherty introduced to the Senate, the Physician of the Day, Dr. Brad Freeman, M.D., St. Louis.

Senator Yeckel introduced to the Senate, Peggy and John Anselmo, Danielle Cullen and Kristin Warnbrodt, St. Louis County.

Senator Schneider introduced to the Senate, his daughter, Anne Galterman, and his grandchildren, Kathline and Robert, St. Louis; and Kathline and Robert were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 9:00 a.m., Thursday, May 16, 2002.

SENATE CALENDAR

SEVENTY-FOURTH DAY-THURSDAY, MAY 16, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and

Russell, with SCS

SBs 1085 & 1262-Yeckel

and Childers, with SCS

HOUSE BILLS ON THIRD READING

HS for HB 1399-Ransdall

(Yeckel) (In Budget Control)

HCS for HB 1398 (Yeckel)

(In Budget Control)

HCS for HB 1689, with

SCS (Klarich)

(In Budget Control)

HCS for HB 1695, with

SCS (Kenney) (In Budget Control)

HS for HCS for HBs 1729,

1589 & 1435-Barnitz (Cauthorn)

(In Budget Control)

HB 1634-Hoppe, with SCS

HB 2137-Crump, with SCS

HCS for HB 1717, with

SCS (Gibbons)

HS for HCS for HB

1868-Barry

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al, with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and Yeckel,

with SCS & SS for SCS

(pending)

SB 910-Gibbons

SB 912-Mathewson, with SCS,

SS for SCS & SA 4 (pending)

SB 926-Kenney, et al,

with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al,

with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS, SS

for SCS & SA 3 (pending)

SB 1087-Gibbons, et al,

with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,

with SS and SA 3 (pending)

SB 1103-Westfall, et al,
with SA 2 (pending)
SB 1105-Loudon
SB 1111-Quick, with SCS
SB 1133-Gross, with SCS
SB 1157-Klindt, with SCS
SB 1195-Steelman, et al
SB 1205-Yeckel

SB 1206-Bentley and Stoll
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1 (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 1143, with SCS
& SS for SCS (pending)
(Kenney)

HCS for HBs 1150, 1237 &
1327, with SCS (Gibbons)

SS for SCS for HB 1196-
Barnett, et al (Westfall)

(In Budget Control)

HCS for HB 1216, with SCS
(Singleton)

HCS for HBs 1344 & 1944,
with SCS & SA 6

(pending) (Caskey)

HB 1406-Barnett, with SCS

(Klindt)

HCS for HB 1425, with SCS

(House)

HS for HB 1455-O'Toole,

with SCS, SS for SCS,

SA 4 & SSA 1 for SA 4

(pending) (Gross)

HS for HCS for HBs 1461 &

1470-Seigfreid, with SCS (Yeckel)

HBs 1489 & 1850-Britt, with

SCS, SS for SCS & SA 5

(pending) (Steelman)

HS for HB 1498-Johnson (90),

with SCS (Sims)

HS for HCS for HBs 1502 &

1821-Luetkenhaus, with

SCS (Rohrbach)

HB 1600-Treadway, with SS

& SA 3 (pending) (Mathewson)

HS for HCS for HB 1650-

Hoppe, with SCS (Steelman)

HS for HCS for HBs 1654 &

1156-Hosmer, with SCS

(Caskey)

HB 1679-Crump, with SCS &

point of order (Sims)

HS for HCS for HB 1756-

Reid (Klarich)

HCS for HB 1817, with SCS

(Bentley)

HB 1869-Barry (Klarich)

HS for HCS for HB 1906-

Green (73), with SCS &

SS for SCS (pending)

(Kenney)

HS for HB 1994-Hosmer,

with SA 1 & SA 2 to

Part I of SA 1 (pending) (Bentley)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,

with SCS (pending)

(Coleman)

HB 1085-Mays (50) (Quick)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,

with HCS

SS for SCS for SB 675-

Yeckel, et al, with HS

for HCS, as amended

SB 856-Russell, with HS

for HCS, as amended

SCS for SB 1212-Mathewson,

with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 670 &

684-Sims, with HS for
HCS, as amended
SCS for SB 680-Bland,
with HS for HCS, as
amended
SCS for SB 712-Singleton
and Sims, with HS for
HCS, as amended
(Senate adopted CCR
and passed CCS)
SCS for SB 810-Dougherty,
with HS for HCS, as
amended
SB 895-Yeckel and Gross,
with HS for HCS, as amended
(Senate adopted CCR
and passed CCS)
SCS for SBs 915, 710 &
907-Westfall, et al,
with HS, as amended
SS for SCS for SBs 969,
673 & 855-Westfall, with
HS#2 for HCS, as amended
SS for SS for SCS for SBs
970, 968, 921, 867, 868 &
738-Westfall, with HS for
HCS, as amended
SCS for SB 1026-Kenney,
et al, with HS, as amended

(Senate adopted CCR
and passed CCS)
SCS for SBs 1061 & 1062-
Rohrbach and Kenney,
with HS for HCS, as amended
SCS for SBs 1086 & 1126-
DePasco & Quick, with HCS

(Senate adopted CCR
and passed CCS)
SCS for SB 1202-Westfall,
with HCS

(Senate adopted CCR
and passed CCS)
SB 1220-Sims, with HS, as amended
(CCR Defeated)
SS for SB 1248-Mathewson,
with HS for HCS, as amended

HBs 1270 & 2032-Gratz,
with SS for SCS, as
amended (Westfall)

HB 1313-Burton, with SCS
(Foster)

HB 1402-Burton, et al,
with SCS, as amended (Steelman)

HB 1446-Luetkenhaus, with
SS#2 for SCS, as amended
(Kenney)

HB 1712-Monaco, et al, with SS for

SCS, as amended (Klarich)

HB 1748-Ransdall, with SS,

as amended (Steelman)

HCS for HB 1898, with SS

for SCS (Goode)

HS for HCS for HB 1962-

Monaco, with SS for SCS,

as amended (Klarich)

Requests to Recede or Grant Conference

SS for SCS for SBs 837,

866, 972 & 990-

Cauthorn, with HCS, as amended

(Senate requests House

recede or grant conference)

SS#2 for SCS for SBs 984

& 985-Steelman, with HS, as amended

(Senate requests House

recede or grant conference)

HB 1953-Van Zandt, et al,

with SCS, as amended

(Singleton)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1

(pending)

Reported from Committee

SCR 51-Mathewson and

Yeckel, with SCA 1

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FOURTH DAY--THURSDAY, MAY 16, 2002

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"We must work the works of him who sent me while it is day; night is coming when no one can work." (John 9:4)

God of Creation, help us this day to do what we usually would put off until tomorrow. Teach us how to make the best use of the time we have left to be instruments of Your wonderful power being obedient to Your prompting and follow Your directing; for surely the night is coming and we will no longer be able to do our work here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Associated Press and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Kenney offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 77

WHEREAS, the general assembly is continually asked to act upon measures dealing with complex and controversial subjects; and

WHEREAS, such measures frequently require lengthy and comprehensive study and evaluation; and

WHEREAS, the committee system of evaluation of proposed legislation has proven its worth time and again to the entire membership of the general assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the standing committees of each house and such other committees of the Senate and House of Representatives as the president pro tem or the speaker shall designate may meet with the approval of the president pro tem or speaker, as the case may be, to consider bills or to perform any other necessary legislative function during the interim prior to the convening of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the members of each committee incurred while attending meetings of those committees, and the expenses of the research and clerical personnel assigned thereto, be paid from the appropriate House or Senate contingent fund.

Senator Kenney requested unanimous consent of the Senate that the rules be suspended and **SCR 77** be taken up for adoption, which request was granted.

On motion of Senator Kenney, **SCR 77** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Quick	Rohrbach	Russell	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Jacob	Klarich
Mathewson	Schneider	Sims--7	
Absent with leave--Senator DePasco--1			

RESOLUTIONS

On behalf of Senator DePasco, Senator Kenney offered Senate Resolution No. 1777, regarding Lions Clubs International President J. Frank Moore, III, which was adopted.

Senator Staples offered Senate Resolution No. 1778, regarding the Mineral Area Regional Health Center, Farmington, which was adopted.

Senator Dougherty offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1779

WHEREAS, Marvin Owen Teer, Sr., will commemorate the resplendent occasion of his Ninetieth Birthday with a special celebration on July 19, 2002, at Kappa Alpha Psi Fraternity House; and

WHEREAS, on July 22, 1912, in Meridian, Mississippi, God brought a special gift to William and Minnie Teer with the birth of an adorable infant by the name of Marvin, who would put a twinkle in their eyes and fill their hearts with love and joy; and

WHEREAS, while celebrating his birthday, Marvin Teer will have the opportunity to reminisce about some of the significant events in his life such as attending Lincoln Senior High School in East St. Louis, Illinois; earning a Bachelor's degree in education at Illinois State University in 1936, a Master's degree in education at the University of Illinois in 1938, and a Master's degree in history and administration at Saint Louis University in 1951; marrying Vivian France Jarrett in 1947; and raising their only child, Marvin O. Teer, Jr., who has distinguished himself as an attorney; and

WHEREAS, Marvin Teer proudly served his country during World War II in the United States Army, from which he was honorably discharged in 1946 at the rank of Staff Sergeant; and

WHEREAS, a life member of Kappa Alpha Psi fraternity initiated at Beta Chapter at the University of Illinois in 1936, Marvin Teer taught history and urban studies at Vashon High School in St. Louis for more than three decades; and

WHEREAS, Marvin Teer has served on numerous boards including the Metropolitan Youth Commission, the St. Louis Area Agency on Aging, the St. Louis Board of Equalization, the St. Louis Board of Building Appeals, and the Available Citywide Transportation Service, of which he is co-founder and coordinator; and

WHEREAS, Marvin Teer, a 3rd Degree member of the Knights of Columbus, had derived a tremendous amount of spiritual fulfillment through his affiliation with the Most Blessed Sacrament Catholic Church prior to its closing:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in extending our most hearty congratulations and special birthday greetings to Marvin Teer at this significant milestone and in wishing him peace and contentment as he continues to enjoy his golden years; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Marvin Owen Teer, Sr., as a measure of our esteem for him.

Senator Klindt offered Senate Resolution No. 1780, regarding Zach Boman, which was adopted.

Senator Klindt offered Senate Resolution No. 1781, regarding Corrections Officer I Thomas D. Bowden, Gower, which was adopted.

Senator Klindt offered Senate Resolution No. 1782, regarding Corrections Officer I Lisa Renee Offield, Cameron, which was adopted.

PRIVILEGED MOTIONS

Senator Yeckel moved that **SS** for **SCS** for **SB 675**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SCS** for **SB 675**, as amended, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 675

An Act to repeal sections 28.160, 115.013, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.613, RSMo, relating to elections, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions and an emergency clause for a certain

section.

Was taken up.

Senator Yeckel moved that **HS** for **HCS** for **SS** for **SCS** for **SB 675** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Cauthorn	Klarich	Schneider--4
Absent with leave--Senator DePasco--1			

On motion of Senator Yeckel, **HS** for **HCS** for **SS** for **SCS** for **SB 675**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Cauthorn--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Cauthorn

Quick--3

Absent with leave--Senator DePasco--1

Bland

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Sims moved that the Senate conferees on **HS** for **HCS** for **SS** for **SCS** for **SBs 670** and **684**, as amended, be allowed to exceed the differences, which motion prevailed.

Senator Dougherty, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 810**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 810

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810 with House Amendments Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendments Nos. 1 and 4 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810;
2. That the Senate recede from its position on House Amendments Nos. 2, 3, and 5 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810;
3. That Conference Committee Amendment No. 1 be adopted; and
4. That House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, with House Amendments Nos. 2, 3, and 5 and Conference Committee Amendment No. 1, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Pat Dougherty /s/ Lana Ladd Baker

/s/ Stephen Stoll /s/ Tim Harlan

/s/ Roseann Bentley /s/ Chuck Graham

/s/ Betty Sims /s/ Dr. Charles R. Portwood

/s/ Sarah Steelman /s/ Roy W. Holand

CONFERENCE COMMITTEE

AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, Page 1, Section A, Line 14, by inserting after all of said line the following:

"8.231. 1. For purposes of this section, the following terms shall mean:

(1) "Energy cost savings measure", a training program or facility alteration designed to reduce energy consumption or operating costs, and may include one or more of the following:

(a) Insulation of the building structure or systems within the building;

(b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing reductions in glass area, or other window and door system modifications that reduce energy consumption;

(c) Automated or computerized energy control system;

(d) Heating, ventilating or air conditioning system modifications or replacements;

(e) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made;

(f) Indoor air quality improvements to increase air quality that conforms to the applicable state or local building code requirements;

(g) Energy recovery systems;

(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(i) Any life safety measures that provide long-term operating cost reductions and are in compliance with state and local codes; [or]

(j) Building operation programs that reduce the operating costs; **or**

(k) Any life safety measures related to compliance with the Americans With Disabilities Act, 42 U.S.C. Section 12101, et seq., that provide long-term operating cost reductions and are in compliance with state and local codes;

(2) "Governmental unit", a state government agency, department, institution, college, university, technical school, legislative body or other establishment or official of the executive, judicial or legislative branches of this state authorized by law to enter into contracts, including all local political subdivisions such as counties, municipalities, public school districts or public service or special purpose districts;

(3) "Guaranteed energy cost savings contract", a contract for the implementation of one or more such measures. The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time and the energy cost savings are guaranteed to the extent necessary to make payments for the systems. Guaranteed energy cost savings contracts shall be considered public works contracts to the extent that they

provide for capital improvements to existing facilities;

(4) "Operational savings", expenses eliminated and future replacement expenditures avoided as a result of new equipment installed or services performed;

(5) "Qualified provider", a person or business experienced in the design, implementation and installation of energy cost savings measures;

(6) "Request for proposals" or "RFP", a negotiated procurement.

2. No governmental unit shall enter into a guaranteed energy cost savings contract until competitive proposals therefor have been solicited by the means most likely to reach those contractors interested in offering the required services, including but not limited to direct mail solicitation, electronic mail and public announcement on bulletin boards, physical or electronic. The request for proposal shall include the following:

(1) The name and address of the governmental unit;

(2) The name, address, title and phone number of a contact person;

(3) The date, time and place where proposals shall be received;

(4) The evaluation criteria for assessing the proposals; and

(5) Any other stipulations and clarifications the governmental unit may require.

3. The governmental unit shall award a contract to the qualified provider that provides the lowest and best proposal which meets the needs of the unit if it finds that the amount it would spend on the energy cost savings measures recommended in the proposal would not exceed the amount of energy or operational savings, or both, within a ten-year period from the date installation is complete, if the recommendations in the proposal are followed. The governmental unit shall have the right to reject any and all bids.

4. The guaranteed energy cost savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed the costs of the energy cost savings measures, adjusted for inflation, within ten years. The qualified provider shall reimburse the governmental unit for any shortfall of guaranteed energy cost savings on an annual basis. The guaranteed energy cost savings contract may provide for payments over a period of time, not to exceed ten years, subject to appropriation of funds therefor.

5. The governmental unit shall include in its annual budget and appropriations measures for each fiscal year any amounts payable under guaranteed energy savings contracts during that fiscal year.

6. A governmental unit may use designated funds for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements, so long as that use is consistent with the purpose of the appropriation.

7. Notwithstanding any provision of this section to the contrary, a not-for-profit corporation incorporated pursuant to chapter 355, RSMo, and operating primarily for educational purposes in cooperation with public or private schools shall be exempt from the provisions of this section."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley

Bland

Caskey

Cauthorn

Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

House	Klarich	Mathewson	Sims--4
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Absent with leave--Senator DePasco--1

On motion of Senator Dougherty, **HS** for **HCS** for **SCS** for **SB 810**, as amended by the Conference Committee Report, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Klarich	Mathewson	Sims--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Dougherty requested unanimous consent of the Senate to reconsider, in one vote, the votes by which the titling and perfecting motions, the 3rd reading motion and the motion to adopt the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810**, as amended, carried, which request was granted.

Having voted on the prevailing side, Senator Dougherty moved that the vote to lay on the table the motion to reconsider the vote by which **HS** for **HCS** for **SCS** for **SB 810** passed; the vote by which the title was agreed to; the vote by which the bill was 3rd read and finally passed; and the vote by which the Conference Committee Report was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach

Russell	Singleton	Staples	Steelman	
Stoll		Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None			
	Absent--Senators			
Bland	Coleman	Quick	Schneider	
Sims--5				
	Absent with leave--Senator DePasco--1			

At the request of Senator Dougherty, the motion to adopt the Conference Committee Report was withdrawn.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1502** and **1821**, with **SCS**, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to credit information used in insurance underwriting.

Was called from the Informal Calendar and taken up by Senator Rohrbach.

SCS for **HS** for **HCS** for **HBs 1502** and **1821**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 1502 and 1821

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to credit information used in insurance underwriting.

Was taken up.

Senator Rohrbach moved that **SCS** for **HS** for **HCS** for **HBs 1502** and **1821** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **HS** for **HCS** for **HBs 1502** and **1821**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 1502 and 1821

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to credit information used in insurance underwriting.

Senator Rohrbach moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1502** and **1821** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SS** for **SCS** for **HS** for **HCS** for **HBs 1502** and **1821** was read the 3rd time and

passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick	Sims--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1756**, entitled:

An Act to repeal sections 191.656, 191.659, 191.677, and 567.020, RSMo, and to enact in lieu thereof five new sections relating to sexually transmitted diseases, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Klarich.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

Senator Klarich offered **SS** for **HS** for **HCS** for **HB 1756**, entitled:

SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1756

An Act to repeal sections 191.656, 191.659, 191.677 and 567.020, RSMo, and to enact in lieu thereof five new sections relating to sexually transmitted diseases, with penalty provisions.

Senator Klarich moved that **SS** for **HS** for **HCS** for **HB 1756** be adopted.

Senator House offered **SS** for **SS** for **HS** for **HCS** for **HB 1756**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1756

An Act to repeal sections 43.540, 191.656, 191.659, 191.677, 217.690, 556.061, 567.020, 589.400, 589.410, 589.417 and 632.483, RSMo, relating to certain sexual and criminal offenses, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions and an emergency clause.

Senator House moved that **SS** for **SS** for **HS** for **HCS** for **HB 1756** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1756, Section 567.020, Page 28, Line 25, by inserting after all of said line the following:

"568.043. 1. A person commits the crime of aggravated sexual abuse of a child in the first degree if the person knowingly engages in sexual conduct, as that term is defined in section 566.010, RSMo, with a child under the age of thirteen years over whom the person serves as reverend, pastor, priest, bishop, clergyman or other religious minister.

2. Religious sexual abuse of a child in the first degree is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole, or release except by act of the governor.

568.044. 1. A person commits the crime of aggravated sexual abuse of a child in the second degree if the person knowingly engages in sexual conduct, as that term is defined in section 566.010, RSMo, with a child under the age of seventeen years over whom the person serves as reverend, pastor, priest, bishop, clergyman or other religious minister.

2. Religious sexual abuse of a child in the second degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than ten years, unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person in which case the authorized term of imprisonment is life imprisonment or a term of years not less than twenty years."; and

Further amend the title and enacting clauses accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Gibbons offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1756, Page 24, Section 565.305, Line 29, by inserting the following:

"566.100. 1. A person commits the crime of sexual abuse if he subjects another person to sexual contact by the use of forcible compulsion.

2. Sexual abuse is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age in which case the crime is a class B felony, unless in the course thereof the actor is responsible for, has supervising authority over, or is in a position of trust over a victim that

is less than 14 years of age, in which case the crime is a class A felony."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above substitute amendment be adopted.

At the request of Senator Klarich, **HS** for **HCS** for **HB 1756**, with **SS**, **SS** for **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HB 1041** and has taken up and passed **SS** for **SCS** for **HB 1041**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 2** for **SCS**, as amended, for **HB 1348** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCS** for **SCR 41**.

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, the State of Missouri is currently facing unique rural and urban primary care workforce issues, including a significant imbalance between the primary care and specialty care workforce in our urban areas and a shortage of traditional primary health care workforce in our state's rural areas; and

WHEREAS, there exists a need for a study on access for Missourians to the health care provider market in the state and the recommendation of specific legislative or enforcement initiatives to insure ample choice for Missouri citizens and to insure affordable health care in the State of Missouri;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Primary Care Workplace Adequacy in Missouri; and

BE IT FURTHER RESOLVED that such Committee shall examine the rural and urban primary care workforce issues facing the State of Missouri, including those involving trauma and critical care services, examine the imbalance between primary care and specialty care in the urban areas and its effect on the cost and access to health care, examine the issue of primary care shortage in the rural areas and its effect on the cost and access to health care in the rural areas, examine current Department of Health and Senior Services programs which support primary care training and make recommendations for its modification and enhancement as needed; and

BE IT FURTHER RESOLVED that said Committee shall be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General

Assembly; and

BE IT FURTHER RESOLVED that Senate Research, the Committee on Legislative Research, and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 49**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 73**.

Also,

May 16, 2002

TO: Terry L. Spieler, Secretary of the Senate

FROM: Ted Wedel, Chief Clerk of the House

DATE: May 16, 2002

RE: HCS SS SCS SB 675

On May 15, 2002, House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, as amended, was Third Read and Passed by the House of Representatives and delivered to the Senate.

Please be informed that House Amendment No. 1 and House Substitute Amendment No. 1 for House Amendment No. 7, both of which were offered by Representative Seigfreid and adopted by the House, were titled incorrectly. House Amendment No. 1 should have been titled as House Substitute Amendment No. 1 for House Amendment No. 7 and House Substitute Amendment No. 1 for House Amendment No. 7 should have been titled as House Amendment No. 1. We will be correcting our House Journal for the Seventy-second Day to reflect this change.

I apologize for any inconvenience this may have caused.

/s/ Ted Wedel

Senator Childers assumed the Chair.

PRIVILEGED MOTIONS

Senator Foster moved that the Senate refuse to recede from its position on **SS No. 2** for **SCS** for **HB 1348**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 670 and 684**, as amended: Senators Sims, Singleton, Kinder, Stoll and House.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 680**, as amended: Senators Bland, Dougherty, Steelman, Klindt and Rohrbach.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended: Senators Klarich, Gibbons, Loudon, Caskey and Schneider.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 1717**, with **SCS**, to the Committee on State Budget Control.

RESOLUTIONS

Senator House offered Senate Resolution No. 1783, regarding Roy "Skip" Vandelicht, Fayette, which was adopted.

Senator House offered Senate Resolution No. 1784, regarding the Weldon Springs Citizens Commission, St. Charles, which was adopted.

Senator House offered Senate Resolution No. 1785, regarding the One Hundredth Anniversary of the Louisiana Elks Lodge #791, Louisiana, which was adopted.

Senator Bentley offered Senate Resolution No. 1786, regarding Dr. Robert H. Bradley, Springfield, which was adopted.

Senator Quick offered Senate Resolution No. 1787, regarding Richard L. Coy, Gladstone, which was adopted.

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1788

WHEREAS, 2002 marks the Fifteenth Anniversary of the founding of The Earth Angels of Guardian Angel Settlement in St. Louis; and

WHEREAS, a group of 150 "at risk" children who work continuously to help the "at risk" earth, The Earth Angels organization admirably demonstrates that children of the least privilege and opportunity in life are one of society's greatest resources; and

WHEREAS, known for recycling and tree planting projects in the St. Louis metropolitan area, Earth Angels have reclaimed and recycled nearly one million aluminum cans, fifty-four thousand pounds of glass, and more than fifteen hundred abandoned tires in their fifteen-year existence; and

WHEREAS, now involved in their tenth planting of the Forest of Life, Earth Angels are adding another group of sixteen trees in memory of children who died by violence in the city of St. Louis last year; and

WHEREAS, Earth Angels have adopted more than fifty acres of rainforest through the Nature Conservancy, purchased seventeen acres of rainforest at the opening of Ecuador's main national wildlife refuge for the Tapir Preservation Fund, removed invasive vines that were killing trees in Ruth Woods Forest and then established a wetland area there, and created seven National Wildlife Federation certified inner-city wildlife habitats; and

WHEREAS, noted for its members' pledge not to use drugs or tobacco, their educational projects, and their receipt of a long list of local and national awards, The Earth Angels organization collected form letters signed by adults to request that California Governor Gray Davis keep his campaign promise to stop the cutting of all old-growth forest, and is doing the same to send to the U.S. Secretary of Agriculture to stop the killing of six million red-winged blackbirds which forage on less than two percent of the sunflower crop raised by farmers for commercial birdseed:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the stellar legacy of good works performed by Earth Angels during the past fifteen years and to convey to the organization's leadership and membership this legislative body's heartiest congratulations and best wishes for continued success for many more years to come; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of The Earth Angels for Fifteen Years of service incorporating youth and the environment.

Senator Sims offered Senate Resolution No. 1789, regarding Sophia Sanchez, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1790, regarding Isaac Wagner-Muns, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1791, regarding Mark Pais, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1792, regarding Peter Durham, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1793, regarding Molly Collins, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1794, regarding Kevin Abrams, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1795, regarding Tripp Nuetzel, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1796, regarding Tyler Freeman, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1797, regarding Natalie Krebs, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1798, regarding Michael Contreras, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1799, regarding William McCormick, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1800, regarding Elizabeth Turner, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1801, regarding Patrick Collins, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1802, regarding Grace Mandry, St. Louis County, which was adopted.

On motion of Senator Kenney, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Childers.

Photographers from the Columbia Tribune were given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Dougherty moved that the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810**, as amended, again be taken up for adoption, which motion prevailed.

President Maxwell assumed the Chair.

Senator Dougherty moved that the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810**, as amended, be adopted.

At the request of Senator Dougherty, his motion to adopt the Conference Committee Report was withdrawn.

Senator Mathewson moved that the Senate conferees on **HS** for **HCS** for **SS** for **SB 1248**, as amended, be allowed to exceed the differences between the Houses, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 1150, 1237** and **1327**, with **SCS**, entitled:

An Act to amend chapter 32, RSMo, by adding thereto three new sections relating to assessment and collection

procedures of the department of revenue, with an emergency clause for certain sections.

Was called from the Informal Calendar and taken up by Senator Gibbons.

SCS for HCS for HBs 1150, 1237 and 1327, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1150, 1237 and 1327

An Act to amend chapters 32 and 144, RSMo, by adding thereto ten new sections relating to assessment and collection procedures of the department of revenue, with an emergency clause for a certain section.

Was taken up.

Senator Gibbons moved that **SCS for HCS for HBs 1150, 1237 and 1327** be adopted.

Senator Gibbons offered **SS for SCS for HCS for HBs 1150, 1237 and 1327**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1150, 1237 and 1327

An Act to amend chapters 32 and 144, RSMo, by adding thereto ten new sections relating to assessment and collection procedures of the department of revenue, with an emergency clause.

Senator Gibbons moved that **SS for SCS for HCS for HBs 1150, 1237 and 1327** be adopted.

Senator Gibbons offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 10, Section 32.381, Line 3 of said page, by inserting after all of said line the following:

"137.073. 1. As used in this section, the following terms mean:

- (1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;
- (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;
- (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax

rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books **for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016**, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation **of each subclass of real property, individually, and personal property, in the aggregate**, exclusive of new construction and improvements. All political subdivisions shall immediately revise the **applicable** rates of levy for each purpose **for each subclass of real property, individually, and personal property, in the aggregate**, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year **for each subclass of real property, individually, and personal property, in the aggregate**, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. **Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year.** As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor shall be limited to the actual assessment growth [within] **in the aggregate** for the political subdivision, exclusive of new construction and improvements, but not to exceed the consumer price index or five percent, whichever is lower. **Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, as per the relative tax rate reduction of such subclasses of real property, individually, and/or personal property, in the aggregate.**

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the

estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling **for the particular subclass of real property or for personal property, in the aggregate**, in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate **for the particular subclass of real property or for personal property, in the aggregate**, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. The assessor shall certify the amount of new construction and improvements for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the

Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate were at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to a taxing jurisdiction which receives some portion of its funding pursuant to chapter 163, RSMo.

6. (1) **For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one-hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.**

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest [one/one hundredth] **one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth** of a cent. **If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to [five/one thousandth] five/one-thousandth of one cent to the next higher [one/one hundredth] one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent.** Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate

ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed, to the state tax commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this

state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable real property in the county owned by the person, or under his or her care, charge or management, and all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county of the first classification with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
 - (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:
 - (a) Such sale was closed at a date relevant to the property valuation; and
 - (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.
2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.
3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:
- (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;
 - (2) Livestock, twelve percent;
 - (3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. [If] **Before** the assessor [increases] **may increase** the assessed valuation of any parcel of subclass (1) real property by more than [seventeen] **fifteen** percent since the last assessment, excluding increases due to new construction or improvements, [then] the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank for its service.

14. The provisions of sections 137.073, 137.115, 138.060 and 138.100 of this act shall become effective January 1, 2003 for any taxing jurisdiction which is partly or entirely within a county with a charter form of government with greater than one million inhabitants, and the provisions of sections 137.073, 137.115, 138.060 and 138.100 of this act shall become effective January 1, 2005 for all taxing jurisdictions in this state. Any county in this state may, by an affirmative vote of the governing body of such county, opt into the provisions of this act prior to January 1, 2005.

138.060. 1. The county board of equalization shall, in a summary way, determine all appeals from the valuation of property made by the assessor, and shall correct and adjust the assessment accordingly. There shall be no presumption that the assessor's valuation is correct. **In any county with a charter form of government with a population greater than two hundred eighty thousand inhabitants but less than two hundred eighty-five thousand inhabitants, and in any county with a charter form of government with greater than one million inhabitants, and in any city not within a county, the assessor shall have the burden to prove that the assessor's valuation does not exceed the true market value of the subject property. In such county or city, in the event a physical inspection of the subject property is required by subsection 10 of section 137.115, RSMo, the assessor shall have the burden to establish the manner in which the physical inspection was performed and shall have the burden to prove that the physical inspection was performed in accordance with section 137.115, RSMo. In such county or city, in the event the assessor fails to provide sufficient evidence to establish that the physical inspection was performed in accordance with section 137.115, RSMo, the property owner shall prevail on the appeal as a matter of law. At any hearing before the state tax commission or a court of competent jurisdiction of an appeal of assessment from a first class charter county or a city not within a county, the assessor shall not advocate nor present evidence advocating a valuation higher than that value finally determined by the assessor or the value determined by the board of equalization, whichever is higher, for that assessment period.**

2. The county clerk shall keep an accurate record of the proceedings and orders of the board, and the assessor shall correct all erroneous assessments, and the clerk shall adjust the tax book according to the orders of such board and the orders of the state tax commission, except that in adding or deducting such percent to each tract or parcel of real estate as required by such board or state tax commission, he shall add or deduct in each case any fractional sum of less than fifty cents, so that the value of any separate tract shall contain no fractions of a dollar.

138.100. 1. The following rules shall be observed by such county boards of equalization:

(1) They shall raise the valuation of all tracts or parcels of land and all tangible personal property as in their opinion have been returned below their real value; but, after the board has raised the valuation of such property, notice shall be given that said valuation of such property has been increased and a hearing shall be granted; such notice shall be in writing and shall be directed to the owner of the property or the person controlling the same, at his last address as shown by the records in the assessor's office, and shall describe the property and the value thereof as increased; such

notice may be by personal service or by mail and if the address of such person or persons is unknown, notice may be given by publication in two newspapers published within the county; such notice shall be served, mailed or published at least five days prior to the date on which said hearing shall be held at which objections, if any, may be made against said increased assessment;

(2) They shall reduce the valuation of such tracts or parcels of land or of any tangible personal property which, in their opinion, has been returned above its true value as compared with the average valuation of all the real and tangible personal property of the county.

2. Such hearings shall end on the last Saturday of July of each year; provided, that the estimated true value of personal property as shown on any itemized personal property return shall not be conclusive on the assessor or prevent the assessor from increasing such valuation. Provided further that said board of equalization shall meet thereafter at least once a month for the purpose of hearing allegations of erroneous assessments, double assessments and clerical errors, and upon satisfactory proof thereof shall correct such errors and certify the same to the county clerk and county collector.

3. The board of equalization in all counties with a charter form of government shall provide the taxpayer with written findings of fact and a written basis for the board's decision regarding any parcel of real property which is the subject of a hearing before any board of equalization."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Gibbons, **HCS** for **HBs 1150, 1237 and 1327**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **HB 1196**, as amended; **HS** for **HCS** for **HBs 1729, 1589 and 1435**; **HCS** for **HB 1695**, with **SCS**; **HS** for **HB 1399**; and **HCS** for **HB 1398**, begs leave to report that it has considered the same and recommends that the bills do pass.

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 1594**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

PRIVILEGED MOTIONS

Senator Sims moved that the Senate request the House to grant further conference on **HS** for **SB 1220**, as amended, and that the conferees be allowed to exceed the differences with regard to limiting the number of race tracks, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Gibbons moved that **HCS** for **HBs 1150, 1237 and 1327**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HCS for HBs 1150, 1237 and 1327, as amended, was again taken up.

Senator Schneider offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 3, Section 137.073, by inserting after "2." the following: "(1)"; and

Further amend said bill and section, by inserting at the end of said line the following: "**However, this inflationary growth factor shall be optional within each county.**"

(2) The voters of any county or any city not within a county may choose not to allow its property levy rates to be revised by the political subdivision of the county to allow for the inflationary growth factor pursuant to the provisions of subdivision (1) of this subsection. The voters of any county or a city not within a county may opt in such inflationary adjustments in any of the following manners:

(a) The governing body of the county or the city not within a county may, by majority vote, submit to the voters at any municipal, primary or general election a referendum to prohibit the revision of its property levy rates to allow for the inflationary growth factor; or

(b) A referendum to prohibit the revision of the property levy rates of the county or the city not within a county, to allow for the inflationary growth factor may be submitted to the voters at any municipal, primary or general election based upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.

(3) In the event a referendum is to be submitted to the voters pursuant to subdivision (2) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the taxing authorities of (county or city not within a county) be prohibited from adjusting without voter approval the rate or rates of levy to increase the amount of property tax revenue to allow for inflationary growth that may occur between periods of assessment?

Yes No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then it shall be in effect and a referendum to repeal the enacted ordinance shall not be submitted to voters for at least two years. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body shall not be prohibited from revising its levy rates to allow for the inflationary growth factor pursuant to subdivision (1) of this subsection and the issue may not be resubmitted to voters for at least two years. In accordance with the time limitations set forth in this subdivision, a referendum to repeal an ordinance enacted pursuant to this subdivision may be submitted to the voters upon majority vote of the governing body of the county or the city not within a county, or upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county."

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Gibbons, HCS for HBs 1150, 1237 and 1327, with SCS, SS for SCS and SA 2 (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Dougherty moved that the Conference Committee Report on HS for HCS for SCS for SB 810, as amended, again be taken up for adoption, which motion prevailed.

Senator Dougherty moved that the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Klindt	Mathewson	Quick
Schneider	Sims	Steelman	Stoll
Wiggins	Yeckel--22		
NAYS--Senators			
Childers	Kenney	Kinder	Klarich
Loudon	Rohrbach	Russell	Singleton
Westfall--9			
Absent--Senators			
Jacob	Staples--2		
	Absent with leave--Senator DePasco--1		

On motion of Senator Dougherty, **HS** for **HCS** for **SCS** for **SB 810**, as amended by the Conference Committee Report, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klindt	Mathewson	Quick	Schneider
Sims	Steelman	Stoll	Wiggins
Yeckel--21			
NAYS--Senators			
Childers	Foster	Kinder	Klarich
Loudon	Rohrbach	Russell	Singleton
Westfall--9			
Absent--Senators			
Goode	Jacob	Staples--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Westfall moved that **SS** for **SCS** for **HB 1196**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Westfall, **SS** for **SCS** for **HB 1196**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Gibbons	Goode
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	

NAYS--Senators

Bland	Foster	Gross	Loudon
Rohrbach	Singleton--6		

Absent--Senators

Jacob	Mathewson	Quick	Staples--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
House	Johnson	Kennedy	Kenney
Kinder	Klindt	Mathewson	Russell
Schneider	Steelman	Stoll	Westfall
Wiggins	Yeckel--22		

NAYS--Senators

Bentley	Bland	Gross	Loudon
Rohrbach	Singleton--6		

Absent--Senators

Jacob	Klarich	Quick	Sims
Staples--5			

Absent with leave--Senator DePasco--1

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Senator Mathewson requested unanimous consent of the Senate to suspend the rules to allow the conferees on **HS** for **HCS** for **SS** for **SB 1248**, as amended, to meet in the Senate Lounge while the Senate is in session, which request was granted.

Senator Westfall requested unanimous consent of the Senate to suspend the rules to allow the conferees on **HS** for **SCS** for **SBs 915, 710 and 907**, as amended, to meet at 5:00 p.m. while the Senate is in session, which request was granted.

Senator Bland requested unanimous consent of the Senate to suspend the rules to allow the Senate conferees on **HS** for **HCS** for **SCS** for **SB 680**, as amended, to meet when the conferees from the House are available while the Senate is in session, which request was granted.

HOUSE BILLS ON THIRD READING

Senator Gibbons moved that **HCS** for **HBs 1150, 1237 and 1327**, with **SCS, SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 14, Section 144.1015, Line 27, by inserting after all of said line the following:

"620.012. 1. Notwithstanding any other provision of law, before the director of revenue enters into any agreement to abate all or part of a taxpayer's liability to the state, including interest and additions to tax, the director shall forward a copy of the agreement to the attorney general before entering into such agreement.

2. Upon receiving the proposed agreement, the attorney general shall, within ten days, review and approve such agreement for its legal form and content as may be necessary to protect the legal interest of the state. If the attorney general does not approve, then the attorney general shall return the agreement with additional proposed provisions as may be necessary to the proper enforcement of the agreement as required to protect the state's legal interest. If the attorney general does not respond within ten days, or in the case of any agreement that involves an abatement of the taxpayer's tax liability, including interest and additions to tax, to the state of one million dollars or more, within thirty days, the agreement shall be deemed approved.

3. Communications related to the attorney general's review are attorney-client communications. The attorney general's written disposition shall be subject to chapter 610, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 2, Section 620.012, Line 1, by inserting after "RSMo." the following:

"4. The provisions of this section shall terminate January 1, 2005."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Singleton assumed the Chair.

SA 3, as amended, was again taken up.

Senator Schneider moved that the above amendment, as amended, be adopted, which motion prevailed.

Senator House offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 14, Section 144.1015, Line 27, by inserting after all of said line the following:

"Section 1. The provisions of this act shall not apply to any county with a charter form of government a population greater than two hundred fifty thousand inhabitants but less than three hundred thousand inhabitants"; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

At the request of Senator House, **SA 4** was withdrawn.

Senator House offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 14, Section 144.1015, Line 27, by inserting after all of said line the following:

"Section 1. The provisions of Sections 137.073, 137.115, 138.060, and 138.100 of this act shall not apply to any county with a charter form of government a population greater than two hundred fifty thousand inhabitants but less than three hundred thousand inhabitants"; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Gross, Kennedy, Kenney and Cauthorn.

SA 5 failed of adoption by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Dougherty	Gross
House	Johnson	Kennedy	Kinder
Rohrbach	Russell	Stoll--11	
NAYS--Senators			
Childers	Foster	Gibbons	Goode
Kenney	Klarich	Klindt	Loudon
Mathewson	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--16
Absent--Senators			
Bentley	Bland	Coleman	Jacob
Quick	Schneider--6		
Absent with leave--Senator DePasco--1			

At the request of Senator Gibbons, **HCS** for **HBs 1150, 1237 and 1327**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Kenney moved that **HCS** for **HB 1143**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 1143**, as amended, was again taken up.

Senator Kenney offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 134, Section 135.530, by deleting brackets on said page.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 107, Section 99.984, Lines 7-8 of said page, by striking said lines and inserting in lieu thereof the following: **"development projects adopted pursuant to sections 99.915 to 99.984. The purpose of the hearing shall be to determine if"**.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Section 348.302, Page 150, Line 7 of said page, by inserting after all of said line the following:

"Section 1. The housing authority commission shall appoint a Section 8 housing evaluation committee of seven members composed of three landlords and four members from business and community groups."; and

Further amend said bill, Page 62, Section 99.921, Line 25 of said page, by inserting after "corporation" the following: **"association"**; and

Further amend said bill, Page 72, Section 99.936, Lines 15 to 18 of said page, by striking said lines and inserting in lieu thereof the following:

"3. Any home rule city with more than four hundred thousand inhabitants and located in more than one county, any city not within a county, and any county with a charter form of government and with more than one million inhabitants shall approve a minority and women-owned business enterprise program to be implemented by the downtown economic stimulus authority. The program shall require all businesses, vendors and contractors working on projects undertaken by the authority to ensure enforcement of an equal opportunity employment plan and a minority and women-owned business program that is based on population and availability that contains specific goals for each such business, vendor and contractor, in accordance with applicable state and federal laws, rules, regulations and orders."; and

Further amend said bill, Page 75, Section 99.944, Lines 12 to 29 of said page, by striking all of said lines; and

Further amend said bill, Page 76, Section 99.944, Lines 1 to 10 of said page, by striking all of said lines and inserting in lieu thereof the following:

"99.944. 1. Any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county with a charter form of government and with more than one million inhabitants, and any city not within a county may by ordinance establish a fund for the purpose of providing funds to community development corporations in such city for comprehensive programs within such city to stimulate economic development, housing, and other public benefits leading to the development of economically sustainable neighborhoods or communities, such fund to be known as the "Community Development Corporation

Revolving Fund". Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

2. The community development corporation revolving fund shall be administered by a community development corporation revolving fund board, which shall consist of six members appointed by the chief elected official of such municipality or county, of which one shall be a member of the economic stimulus authority, three shall be members of the local regional community development association, and two shall be members of local business or financial organizations. The initial members shall serve staggered terms of one, two, and three years as determined by the chief elected official at the time of appointment. Thereafter, successor members shall be appointed by the chief elected official for a term of three years, and shall hold office until a successor is appointed. Any member may be removed by the chief elected official for inefficiency, neglect of duty, or misconduct. All vacancies shall be filled by appointment of the chief elected official for the unexpired term. No member shall receive compensation for the member's services, but shall be entitled to necessary and reasonable expenses, including travel expenses, incurred in the discharge of the member's duties. The chief elected official shall appoint the chair of the board, and the members of the board shall elect officers from the membership of the board."; and

Further amend said bill, Page 77, Section 99.944, Line 4 of said page, by inserting after "annually." the following: **"Any home rule city with more than four hundred thousand inhabitants and located in more than one county, any city not within a county, and any county with a charter form of government and with more than one million inhabitants that enacts any new local sales tax for any downtown development project pursuant to this section shall distribute at least five percent of the revenue generated by the sales tax to the fund."**

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 61, Section 99.915, Line 27 of said page, by inserting after all of said line the following:

"3. No transfer from the general revenue fund to the special allocation fund defined in subsection 20 of section 99.945 shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 83, Section 99.945, Line 27 of said page, by striking the following: "some portion" and inserting in lieu thereof the following: **"a percentage not to exceed fifty percent"**.

Senator Goode moved that the above amendment be adopted.

Senator Childers assumed the Chair.

At the request of Senator Goode, **SA 14** was withdrawn.

Senator Singleton offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 116, Section 135.259, Line 23, by inserting immediately after said line the following:

"135.260. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in every city of the fourth classification with greater than five thousand two hundred inhabitants and less than five thousand three hundred inhabitants in every noncharter county of the first classification which contains greater than one hundred four thousand inhabitants and fewer than one hundred five thousand inhabitants. Such enterprise zone shall only be made if such area in the city which is to be included meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 83, Section 99.945, Line 29, by inserting immediately after the word "increment," the following: "based on the estimate at the time of the initial agreement,".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 83, Section 99.945, Line 27 of said page, by striking the following: "some portion" and inserting in lieu thereof the following: "**a percentage not to exceed fifty percent**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Caskey offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 146, Section 238.230, Line 29, by adding:

"288.038. 1. Notwithstanding any other laws the Eastern Shawnee and Northern Cherokee Indian tribes herewith are declared recognized tribes of Missouri."

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 18** was withdrawn.

Senator Gross assumed the Chair.

Senator Rohrbach offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 139, Section 135.535, Line 21 of said page, by inserting immediately after said line the following:

"135.800. Any unused tax credits authorized pursuant to law shall be reallocated and applied to sections 135.327 and 135.600, but the maximum amount of such reallocation shall not exceed twice the amount of cumulative tax credits specified in section 135.327 and 135.600."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

President Maxwell assumed the Chair.

Senator Goode offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Pages 128-130, Section 135.481, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Loudon offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 107, Section 99.984, by inserting immediately after all of said section the following:

"100.840. 1. To provide funds for the present payment of the costs of economic development projects, the board may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. [The total amount of outstanding certificates sold by the board shall not exceed seventy-five million dollars.] The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board, and may bear interest at such rate or rates as the board shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. Certificates may be issued for the purpose of refunding a like, greater or lesser principal amount of certificates and may bear a higher, lower or equivalent rate of interest than the certificates being renewed or refunded.

3. The board shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

4. Certificates issued pursuant to this section shall not be deemed to be an indebtedness of the state or the board or of any political subdivision of the state.

5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed ten million dollars annually."

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 107, Section 99.984, Line 15, by inserting immediately after all of said line the following:

"100.010. As used in sections 100.010 to 100.200, unless the context clearly indicates otherwise, the following words and terms have the following meanings:

(1) "Division", an appropriate division of the department of economic development of the state of Missouri, or any agency which succeeded to the functions of the division of commerce and industrial development;

(2) "Facility", an industrial plant purchased, constructed, extended or improved pursuant to sections 100.010 to 100.200, including the real estate, buildings, fixtures and machinery;

(3) "Governing body", bodies and boards, by whatever names they may be known, charged with the governing of a municipality as herein defined;

(4) "Municipality", any county, city, incorporated town or village of the state;

(5) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company or a credit card billing and processing center;

(6) "Project for industrial development" or "project", the purchase, construction, extension and improvement of warehouses, distribution facilities, research and development facilities, office industries, agricultural processing industries, service facilities which provide interstate commerce, and industrial plants, including the real estate either within or without the limits of such municipalities, buildings, fixtures, and machinery; except that any project of a municipality having fewer than eight hundred inhabitants shall be located wholly within the limits of the municipality;

(7) "Revenue bonds", bonds, loans, debentures, notes, special certificates or other evidences of indebtedness issued by a municipality and secured by revenues of a project for industrial development;

(8) "Taxing district", any political subdivision of this state having the power to levy ad valorem taxes and whose boundaries for ad valorem taxation purposes include any portion of the area in which the project will be located.

100.050. **1.** Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

(1) A description of the project;

(2) An estimate of the cost of the project;

(3) A statement of the source of funds to be expended for the project;

(4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and

(5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2002, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

- (1) A statement identifying each taxing district affected by such project;**
- (2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;**
- (3) An analysis of the costs and benefits of the project on each taxing district; and**
- (4) Identification of any payments in lieu of taxes, contributions, grants or other payments of any nature whatsoever expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.**

3. If the plan for the project is approved after August 28, 2002, any payments in lieu of taxes, contributions, grants or other payments of any nature whatsoever expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the play. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each taxing district in proportion to the current ad valorem tax levy of each taxing district.

100.060. 1. The governing body of any municipality proposing a project for industrial development which involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality shall, not less than twenty days prior to approving the plan for a project as required by section 100.050, provide notice of the proposed project to the county in which the municipality is located and any school district that is a taxing district. Such notice shall include the information required in section 100.050, shall state the date on which the governing body of the municipality will first consider approval of the plan, and shall invite such taxing districts to submit comments to the governing body.

2. Projects of a county must be located within an unincorporated area of such county except that such projects may be located within the incorporated limits of a city, town or village within such county when approved by the governing body of such city, town or village.

3. This section is applicable only if the plan for the project is approved after August 28, 2002.

100.105. No later than January thirty-first of each year, the municipality shall file a report with the department of economic development on the previous year's revenue bond issuances and general obligation bond issuances, which report shall contain only the following information:

- (1) The name, address, spokesperson, and telephone number of the issuing entity;**
- (2) The name, address, age, and type of business of the beneficiary firm;**
- (3) The amount, term, interest rate or rates, and date of issuance of the bonds issued;**
- (4) The name and address of the underwriter, if any, of such bonds;**
- (5) The name and address of the guarantor, if any;**
- (6) The size, by assets and previous year's sales, and the current number of employees, of the beneficiary firm;**
- (7) A copy of the preliminary official statement used when offering the bonds for sale;**

(8) The estimated number of new jobs to be generated by the proposed project;

(9) A list of the use of bond proceeds, including whether the purpose of the project and the funds generated by the issuance of such bonds is to open a new business, build a branch plant, expand an existing facility, or acquire an existing business[;] **together with a general description of the real property or personal property purchased by or on behalf of the municipality with such proceeds; and**

(10) The estimated total cost of the project.

100.180. The municipality shall have the authority to enter into loan agreements, sell, lease, or mortgage to private persons, partnerships or corporations the facilities purchased, constructed or extended by the municipality for manufacturing and industrial development purposes. In the event that the facility has been financed by revenue bonds, the installments of charges or rents shall be sufficient to meet the interest and sinking fund requirements on the bonds. The loan agreement, installment sale agreement, [or] lease, **or other such document** shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with the other provisions of sections 100.010 to 100.200."; and

Further amend said bill, Page 139, Section 135.535, Line 21, by inserting after all of said line the following:

"137.073. 1. As used in this section, the following terms mean:

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation, exclusive of new construction and improvements. All political subdivisions shall

immediately revise the rates of levy for each purpose for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor shall be limited to the actual assessment growth within the political subdivision, exclusive of new construction and improvements, but not to exceed the consumer price index or five percent, whichever is lower.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, **sections 100.010 to 100.200, RSMo**, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. The assessor shall certify the amount of new construction and improvements for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the

latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

6. Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one/one hundredth of a cent. A taxing authority shall round up a fraction greater than or equal to five/one thousandth of one cent to the next higher one/one hundredth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor.

and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed, to the state tax commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143,

Page 61, Section 99.134, Line 22, by inserting at the end of said line the following:

"99.847. Any district providing emergency services pursuant to chapter 190 or 321, RSMo, [upon the provision of evidence to the governing body of the municipality that direct costs incurred by such district in providing emergency services to the redevelopment area are directly attributable to the operation of redevelopment projects as these terms are defined in section 99.805, in the redevelopment area,] shall be entitled to reimbursement from the special allocation fund [for direct costs to the extent that such district can demonstrate that the increased tax revenues it receives from such projects in such areas are insufficient to fund such direct costs. However, such reimbursement shall not be less than twenty-five] **in the amount of at least fifty percent [nor] but no** more than one hundred percent of the district's tax increment."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 24**, which was read:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Pages 132-133, Section 135.487, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"Section 1. If a city not within a county has, with or without a contract with the owner or lessee of the property or such owner's or lessee's agent, trustee, contractor, or subcontractor, ordered a mechanic or other person to perform the work described in subsection 3 of section 429.015, RSMo, and if such city has paid the mechanic or other person in full at any time within one hundred twenty days after the mechanic or other person has completed such work, then such city shall, upon complying with the provisions of sections 429.010 to 429.340, have a lien on the property in lieu of the lien that the mechanic or other person would have had pursuant to subsection 3 of section 429.015, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"Section 1. Notwithstanding any other provision of law to the contrary, any bonds issued by a local issuing entity for tax increment financing shall be an obligation of the local issuing entity and shall not be an obligation of the state, binding or otherwise, regardless of whether the state appropriates moneys to the local entity for payment of principal or interest on the bond obligations."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"Section 1. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than one million inhabitants.

2. Sections 99.866 to 99.874, RSMo, shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects (including redevelopment project costs) by not more than forty percent of such project original projected cost (including redevelopment project costs) as such projects (including redevelopment project costs) existed as of June 30, 2003, and shall allow the aforementioned tax incremented financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003."; and

Further amend the title or enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 116, Section 135.259, Line 23, by inserting after all of said line the following:

"135.263. In addition to the number of enterprise zones authorized pursuant to sections 135.206, 135.210, 135.211, 135.256, 135.257, 135.259, 135.260 and 135.261, the department of economic development shall designate one such zone in a contiguous area, not to exceed two thousand acres, only if such single zone is situated at least partly within:

- (1) A village with more than three thousand but less than three thousand one hundred inhabitants;**
- (2) A home rule city with more than ten thousand but less than ten thousand one hundred inhabitants;**
- (3) A home rule city with more than twenty-two thousand but less than twenty-three thousand inhabitants; and**
- (4) A fourth class city with more than four hundred forty but less than four hundred fifty inhabitants;**

located in any county with a charter form of government and with more than one million inhabitants. Such enterprise zone designations shall only be made if such area meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Kenney moved that **SS** for **SCS** for **HCS** for **HB 1143**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **HCS** for **HB 1143**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Wiggins--26		
NAYS--Senators			
Gross	House	Loudon	Rohrbach
Yeckel--5			
Absent--Senators			
Staples	Westfall--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1803, regarding the Fiftieth Birthday of Velma McBride Murry, Ph.D., Bogart, Georgia, which was adopted.

Senator Yeckel offered Senate Resolution No. 1804, regarding Sister Frances Therese Hansman, C.P.P.S., St. Louis, which was adopted.

Senators Schneider, Caskey, Russell, Goode, Singleton, Rohrbach, Stoll, Kenney, Gibbons, Johnson, Klarich, Yeckel, Klindt, Sims, Bentley, Childers, Mathewson, Wiggins and Westfall offered the following resolution:

SENATE RESOLUTION NO. 1805

WHEREAS, during the interim between the First and Second Regular Session of the Ninety-First General Assembly, the Senate Chamber was subject to renovation under the direction of the Division of Design and Construction of the Office of Administration; and

WHEREAS, during this renovation, the long-standing placement of desks upon the floor of the Missouri Senate was significantly changed without the approval of the members of the Missouri Senate; and

WHEREAS, the change in seating placement on the floor of the Missouri Senate has made it difficult for Senators to abide by the traditions and custom of the Senate in their access to and egress from their respective seats and appurtenances thereto; and

WHEREAS, the new seating arrangement compromises proper order, safety and decorum in the chamber:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, do hereby direct the Division of Design and Construction of the Office of Administration to restore the traditional seating arrangement to the Senate Chamber and any costs associated thereto to be paid by the Missouri Senate Contingent Fund; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution and deliver same to the Commissioner of Administration so that its intention and direction be expedited forthwith.

MESSAGES FROM THE HOUSE

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SBs 670 and 684**, as amended. Representatives: Harlan, Hosmer, Baker, Richardson and Byrd.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House is no longer binding the House conferees to **HA 2** to **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended, and grants the Senate further conference on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has allowed the House conferees to exceed the differences on **HS** for **HCS** for **SS** for **SB 1248**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HS** for **HCS** for **HBs 1502 and 1821** and has taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HBs 1502 and 1821**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 831**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SB 895**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SB 895**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS No. 2** for **SCS** for **SBs 984 and 985**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HS** for **SB 1220**, as amended, and that the House conferees are allowed to exceed the differences with regard to limiting the number of race tracks and age.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **SS No. 2** for **SCS** for **HB 1348**, as amended. Representatives: Berkowitz, Barnitz, Shoemyer (9), Legan, Myers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 680**, as amended. Representatives: Barry, Campbell, Kelly (27), Bartlesmeyer and Miller.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 1202** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 1202**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended. Representatives: Smith, Hosmer, Britt, Mayer and Hendrickson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1313** and has taken up and passed **CCS** for **SCS** for **HB 1313**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 712**, as amended and has taken up and passed **CCS** for **HS** for **HCS** for **SB 712**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SCS** for **SB 1026**, as amended and has taken up and passed **CCS** for **HS** for **SCS** for **SB 1026**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS No. 2** for **SCS** for **SBs 984 and 985**, as amended. Representatives: Merideth, Ransdall, Barnitz, Marble and Kelly (144).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that Representative Holand has

replaced Representative Bartlesmeyer on the conference committee for **HS** for **HCS** for **SCS** for **SB 680**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810** and has taken up and passed **HS** for **HCS** for **SCS** for **SB 810**, as amended by the CCR.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, entitled:

An Act to repeal sections 28.160, 135.327, 191.925, 192.016, 210.001, 210.145, 210.201, 210.906, 211.031, 211.181, 294.011, 294.024, 294.030, 294.043, 294.060, 294.090, 294.121, 294.141, 452.402, 453.030, 454.606, 454.609, 454.615, 454.618, 454.627, and 454.700, RSMo, and to enact in lieu thereof twenty-eight new sections relating to children and families, with penalty provisions.

With House Amendments Nos. 2, 3, 5, 6, 7, 8, 10 and 11.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 13, Section 210.001, Lines 8 and 9, by inserting an open bracket "[" around "(5)" and a closed bracket "]" around "center;"; and

Further amend said bill, said section, said page, Line 8, by inserting in lieu thereof, the following:

"(5) The Greene County child assessment center;" and

Further amend said bill, said section, said page, Line 16, by striking the word "**and**"; and

Further amend said bill, said section, said page, Line 17, by striking "**center.**" and inserting in lieu thereof, "**center; and**"; and

Further amend said bill, said section, said page, Line 18, by inserting on said line, the following:

"(14) The Lakes Area child assessment center."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 15, Section 210.145, Line 21, by inserting after "observation." the following: "If the parents of the child are not the alleged abusers, the parents of the child must be notified prior to the child being interviewed by the division. The division shall not meet with the child in any location where abuse of such child is alleged to have occurred."; and

Further amend said section, Page 16, Line 11 of said page by inserting an opening bracket immediately before the word "public"; and further amend Line 12 of said page, by inserting a closing bracket immediately after the period; and further amend Line 11 after the word "the" by inserting the following: "superintendent of each school district shall designate a specific person or persons to act as the public school district liaison."; and further amend Line 15 of said page, by inserting at the end of said line the following: "Upon notification of an investigation, all information received

by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99."

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting at the appropriate location the following section:

"452.377. 1. For purposes of this section and section 452.375, "relocate" or "relocation" means a change in the principal residence of a child for a period of ninety days or more, but does not include a temporary absence from the principal residence.

2. Except as otherwise provided in subsection 3 of this section:

(1) Notice of a proposed relocation of the residence of the child, or any party entitled to custody or visitation of the child, shall be given in writing by certified mail, return receipt requested, to any party with custody or visitation rights[. Absent exigent circumstances as determined by a court with jurisdiction, written notice shall be provided] at least sixty days in advance of the proposed relocation. The notice of the proposed relocation shall include the following information:

[(1)] **(a)** The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

[(2)] **(b)** The home telephone number of the new residence, if known;

[(3)] **(c)** The date of the intended move or proposed relocation;

[(4)] **(d)** A brief statement of the specific reasons for the proposed relocation of a child, if applicable; and

[(5)] **(e)** A proposal for a revised schedule of custody or visitation with the child, if applicable[.

3.]; and

(2) A party required to give notice of a proposed relocation pursuant to **this** subsection [2 of this section] has a continuing duty to provide a change in or addition to the information required by this section as soon as such information becomes known.

[4. In exceptional circumstances where] **3. If any party believes circumstances that require immediate aid or action exist, including circumstances where the health or safety of any adult or child would be unreasonably placed at risk by providing the notice or disclosures required in subsection 2 of this section, the following procedure shall apply:**

(1) By January 1, 2003, the state courts administrator shall develop and adopt a uniform form for providing notice to a nonrelocating party of a proposed relocation with exigent circumstances. Such form shall be provided to each circuit clerk and shall contain, but is not limited to, the following:

(a) A description of the nature of the exigent circumstances;

(b) An estimate of the distance to the intended new resident in miles, rounded to the nearest fifty miles;

(c) Whether the relocation will change the school district of the child being relocated; and

(d) Notification to the nonrelocating party that the child may be relocated unless the party files a motion seeking an order to prevent the proposed relocation within thirty days after receipt of such notice.

The current address and the specific intended new residence address of the relocating party shall not be

provided to the nonrelocating party;

(2) The party believing exigent circumstances exist and the health or safety of any adult or child would be unreasonably placed at risk by providing the notice or disclosures required in subsection 2 of this section shall complete the uniform form created in subdivision (1) of this subsection and provide such limited notice to the nonrelocating party;

(3) If the nonrelocating party does not file a motion seeking an order to prevent the relocation within thirty days after receipt of the notice provided pursuant to this subsection, the residence of the child may be relocated immediately;

(4) If the nonrelocating party files a motion seeking an order to prevent the relocation within thirty days after receipt of the notice provided pursuant to this subsection, a hearing shall be held and if the court makes a finding that the health or safety of any adult or child would be unreasonably placed at risk by the disclosure of the required identifying information concerning a proposed relocation of the child, the court may order that:

[(1)] **(a)** The specific residence address and telephone number of the child, parent or person, and other identifying information shall not be disclosed in the [pleadings, notice, other] documents filed in the proceeding or the final order except for an in camera disclosure;

[(2)] **(b)** The notice requirements provided by this section shall be waived to the extent necessary to protect the health or safety of a child or any adult; or

[(3)] **(c)** Any other remedial action the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child[.];

[5.] (5) If the court determines that the health or safety of any adult or child would not be reasonably placed at risk by the disclosure of the required identifying information concerning a proposed relocation of the child, the party shall comply with the disclosure requirements in this section.

4. Except as otherwise provided in subsection 3 of this section, the court shall consider a failure to provide notice of a proposed relocation of a child or any party entitled to custody or visitation of the child as:

(1) A factor in determining whether custody and visitation should be modified;

(2) A basis for ordering the return of the child if the relocation occurs without notice; and

(3) Sufficient cause to order the party seeking to relocate the child to pay reasonable expenses and attorneys fees incurred by the party objecting to the relocation.

[6. If the parties agree to a revised schedule of custody and visitation for the child, which includes a parenting plan, they may submit the terms of such agreement to the court with a written affidavit signed by all parties with custody or visitation assenting to the terms of the agreement, and the court may order the revised parenting plan and applicable visitation schedule without a hearing.

7.] **5.** The residence of the child may be relocated sixty days after providing notice, as required by this section, unless a parent files a motion seeking an order to prevent the relocation within thirty days after receipt of such notice. Such motion shall be accompanied by an affidavit setting forth the specific factual basis supporting a prohibition of the relocation. The person seeking relocation shall file a response to the motion within fourteen days, unless extended by the court for good cause, and include a counter-affidavit setting forth the facts in support of the relocation as well as a proposed revised parenting plan for the child.

[8.] **6.** If relocation of the child is proposed, a third party entitled by court order to legal custody of or visitation with a child and who is not a parent may file a cause of action to obtain a revised schedule of legal custody or visitation, but shall not prevent a relocation.

[9.] **7.** The party seeking to relocate shall have the burden of proving that the proposed relocation is made in good faith and is in the best interest of the child.

[10. If relocation is permitted:

(1)] The nonrelocating party shall provide sufficient evidence to support such party's opposition to the proposed relocation.

8. If the court finds that relocation is in the best interest of the child and will be permitted, the schedule of custody and visitation, including a parenting plan, shall be modified as follows:

(1) If the parties agree to a revised schedule of custody and visitation for the child, including a parenting plan, they may submit the terms of such agreement to the court with a written affidavit signed by all parties with custody or visitation assenting to the terms of the agreement, and the court may order the revised parenting plan and applicable visitation schedule without a hearing;

(2) If the parties cannot agree to a revised schedule of custody and visitation for the child, including a parenting plan, the revised parenting plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child. In the revised parenting plan:

(a) The court shall order contact with the nonrelocating party including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing and meaningful contact with the nonrelocating party unless the child's best interest warrants otherwise; and

[(2)] (b) The court shall specify how the transportation costs will be allocated between the parties and adjust the child support, as appropriate, considering the costs of transportation.

[11.] **9.** After August 28, 1998, every court order establishing or modifying custody or visitation shall include the following language: "[Absent exigent circumstances as determined by a court with jurisdiction] **Unless limited notice is provided pursuant to subsection 3 of section 452.377, RSMo, and a court with jurisdiction determines that exigent circumstances exist, including circumstances where the health or safety of any adult or child would be unreasonably placed at risk by such notice or disclosure**, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, and at least sixty days prior to the proposed relocation, each party to this action of **your relocation or** any proposed relocation of the principal residence of the child, including the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of the child; and

(5) A proposal for a revised schedule of custody or visitation with the child.

Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the required notice."

[12.] **10. Except as otherwise provided in subsection 3 of this section**, violation of the provisions of this section or a court order under this section may be deemed a change of circumstance under section 452.410, allowing the court to

modify the prior custody decree. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

[13.] **11.** Any party who objects in good faith to the relocation of a child's principal residence shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 14, Section 210.001, Line 10 of said page, by inserting the following:

"210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, **minister as provided by Section 352.400, RSMo**, Christian Science practitioner, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

4. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

5. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452, RSMo, and shall report the findings to the child fatality review panel established pursuant to section 210.192.

6. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting or causing a report to be made to the division.

7. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the Missouri division of family services."; and

Further amend said bill, Page 59, Section 294.141, Line 21 of said page, by inserting immediately after said line the following:

"352.400. 1. As used in this section, the following words and phrases shall mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse, injury or harm to a child under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo;

(2) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(3) "Minister", any person while practicing as a minister of the gospel, clergyperson, priest, rabbi, or other person serving in a similar capacity for any religious organization who is responsible for or who has supervisory authority over one who is responsible for, the care, custody, and control of a child or has access to a child.

(4) "Neglect", failure to provide the proper or necessary support or services by those responsible for the care, custody, and control of a child, under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo;

(5) "Religious organization", any society, sect, persuasion, mission, church, parish, congregation, temple, convention or association of any of the foregoing, diocese or presbytery, or other organization, whether or not incorporated, that meets at more or less regular intervals for worship of a supreme being or higher power, or for mutual support or edification in piety or with respect to the idea that a minimum standard of behavior from the standpoint of overall morality is to be observed, or for the sharing of common religious bonds and convictions;

(6) "Report", the communication of an allegation of abuse or neglect pursuant to sections 210.109 to 210.183, RSMo.

2. When a minister or agent designated pursuant to subsection 3 of this section has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo, the minister or designated agent shall immediately report or cause a report to be made as provided in sections 210.109 to 210.183, RSMo. Notwithstanding any other provision of this section or sections 210.109 to 210.183, RSMo, a minister shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

3. A religious organization may designate an agent or agents required to report pursuant to sections 210.109 to 210.183, RSMo, in an official capacity on behalf of the religious organization. In the event a minister, official or staff member of a religious organization has probable cause to believe that the child has been subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo, and the minister, official or staff member of the religious organization does not personally make a report pursuant to sections 210.109 to 210.183, RSMo, the designated agent of the religious organization shall be notified. The designated agent shall then become responsible for making or causing the report to be made pursuant to sections 210.109 to 210.183, RSMo. This section shall not preclude any person from reporting abuse or neglect as otherwise provided by law."; and

Further amend the title and enacting clause of said bill accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting at the appropriate location the following section:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a handling fee of fifteen dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

4. Effective February first of each year, the handling fee and per page fee listed in subsection 1 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for all urban consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted handling and per page fees on the department's Internet website by February first of each year.

[191.233. The limits provided in section 191.227 shall be increased or decreased on an annual basis effective January first of each year in accordance with the Health Care Financing Administration Market Basket Survey.]" and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting in the appropriate location, all of the following:

"196.230. **1.** The director of the department of health **and senior services** and [his] **the director's** assistants or agents [by him] appointed **by the director**, the state, county, city and town health officers shall have full power at any time to enter and inspect every building, room, basement or cellar, occupied or used, or suspected of being used, for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver or other person is found to be violating any of the provisions of sections 196.190 to 196.265, or if the production, cooking, preparation, manufacture, packing, storing, sale, distribution or transportation of food is being conducted in a manner detrimental to the health of the employees and operatives and the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector, making the examination or inspection, shall furnish evidence of [said] **such** violation to the prosecuting attorney of the county in which the violation occurs, and it shall be the duty of all prosecuting attorneys to represent and prosecute, in behalf of the people, when called upon by the director of the

department of health **and senior services** to do so, all such cases of offenses arising [under] **pursuant to** the provisions of sections 196.190 to 196.265. When complaint is made by the [said] director of the department of health **and senior services**, security for costs shall not be required of the complainant in any case at any time of the prosecution or trial.

2. All state, county and municipal health officials or inspectors shall utilize the most recent Missouri Food Code for the inspection of entities listed in subsection 1 of this section.

3. The department of health shall notify its division of nutritional health and services of any violation of sections 196.190 to 196.265 by a grocery store that is found during an inspection conducted pursuant to subsection 1 of this section.

196.232. Any grocery store, convenience store or food distributing establishment that redeems state-issued Women, Infant and Children (WIC) food instruments and receives two unsatisfactory health examinations or inspections from the department of health within a three-year period shall be disqualified from the WIC program for a period of not less than six months and not more than one year. Such stores or establishments shall also be subject to any other administrative remedies available under the WIC program.

196.235. Any person who violates any of the provisions of sections 196.190 to 196.230, shall be guilty of a misdemeanor, and, on conviction, shall be punished for the first offense by a fine of not less than [ten] **twenty** dollars nor more than one hundred dollars **a day for each day such violation is not corrected**, or be imprisoned in the county jail not exceeding thirty days, or both, in the discretion of the court."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting at the appropriate location the following section:

"208.344. 1. By December 1, 2002, and annually thereafter, the division of family services shall submit a report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives regarding the progress of welfare reform in Missouri. The report shall include, but not be limited to, current statistics and recommendations regarding:

- (1) Individuals who have successfully left welfare and employment of such individuals;**
- (2) Individuals who remain on or have returned to welfare; and**
- (3) Benefits of welfare reform realized by families, employers, and the state.**

2. The provisions of this section shall expire on December 31, 2007."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting the following in the appropriate location:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, or copy service for said provider, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, or any person entitled to bring an action for wrongful death of a deceased patient pursuant to Section 537.080, RSMo, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the

patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within [a reasonable time] **60 days** of the receipt of the request therefor and upon payment of a handling fee of fifteen dollars plus a fee of thirty-five cents per page [for copies of documents made on a standard photocopy machine].

2. [Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.] **Any provider who does not furnish records within 60 days of the receipt of the request therefor shall forfeit the handling fee, the per page copy fee and, in addition, shall pay the person who requested said records a penalty in the amount of fifteen dollars plus thirty-five cents per page per day commencing on the 61st day until such date as the records shall be furnished.**

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Sims moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS No. 2** for **SCS** for **SBs 984 and 985**, as amended: Senators Steelman, Klindt, Cauthorn, Caskey and Coleman.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **HB 1348**, as amended: Senators Foster, Klindt, Cauthorn, Dougherty and Coleman.

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, the Physician of the Day, Dr. Robert O. Schaaf, M.D., St. Joseph.

On motion of Senator Kenney, the Senate adjourned until 9:00 a.m., Friday, May 17, 2002.

SENATE CALENDAR

SEVENTY-FIFTH DAY-FRIDAY, MAY 17, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and
Russell, with SCS

SBs 1085 & 1262-Yeckel
and Childers, with SCS

HOUSE BILLS ON THIRD READING

1. HS for HB 1399-
Ransdall (Yeckel)
2. HCS for HB 1398 (Yeckel)
3. HCS for HB 1689, with
SCS (Klarich)
(In Budget Control)
4. HCS for HB 1695, with
SCS (Kenney)
5. HS for HCS for HBs
1729, 1589 & 1435-

Barnitz (Cauthorn)

6. HB 1634-Hoppe, with

SCS (Wiggins)

7. HB 2137-Crump, with

SCS (Caskey)

8. HCS for HB 1717, with

SCS (Gibbons)

(In Budget Control)

9. HS for HCS for HB

1868-Barry (Kennedy)

10. HS for HB 1594-Gratz,

with SCS (Rohrbach)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,

with SCS (pending)

SB 647-Goode, with SCS

(pending)

SB 651-Singleton and

Russell, with SCS (pending)

SB 659-House and Kenney,

with SS#2, SA 3 and

SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,

with SCS (pending)

SB 668-Bentley, with SS &

SA 1 (pending)

SB 689-Gibbons, et al, with SCS

SB 696-Cauthorn, et al

SB 735-Steelman and

Kinder, with SCS

SBs 766, 1120 & 1121-

Steelman, with SCS

SB 832-Schneider, with SCS

SB 881-Steelman and

Yeckel, with SCS & SS

for SCS (pending)

SB 910-Gibbons

SB 912-Mathewson, with

SCS, SS for SCS & SA 4 (pending)

SB 926-Kenney, et al, with SCS

SB 938-Cauthorn, et al

SB 971-Klindt, et al, with SCS

SB 1010-Sims

SB 1035-Yeckel

SB 1040-Gibbons, et al,

with SCS

SB 1046-Gross and House,

with SCS (pending)

SB 1052-Sims, with SCS,

SS for SCS, SA 1 &

SA 1 to SA 1 (pending)

SBs 1063 & 827-Rohrbach

and Kenney, with SCS, SS

for SCS & SA 3 (pending)

SB 1087-Gibbons, et al, with SCS

SB 1099-Childers, with SCS

SB 1100-Childers, et al,
with SS and SA 3 (pending)

SB 1103-Westfall, et al,
with SA 2 (pending)

SB 1105-Loudon

SB 1111-Quick, with SCS

SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS

SB 1195-Steelman, et al

SB 1205-Yeckel

SB 1206-Bentley and Stoll

SJR 23-Singleton, with SS,

SA 1 & SSA 1 for SA 1 (pending)

HOUSE BILLS ON THIRD READING

HCS for HBs 1150, 1237 &
1327, with SCS & SS for
SCS (pending) (Gibbons)

HCS for HB 1216, with SCS
(Singleton)

HCS for HBs 1344 & 1944,
with SCS & SA 6 (pending)
(Caskey)

HB 1406-Barnett, with SCS

(Klindt)

HCS for HB 1425, with SCS

(House)

HS for HB 1455-O'Toole,

with SCS, SS for SCS,

SA 4 & SSA 1 for SA 4

(pending) (Gross)

HS for HCS for HBs 1461 &

1470-Seigfreid, with SCS (Yeckel)

HBs 1489 & 1850-Britt,

with SCS, SS for SCS &

SA 5 (pending) (Steelman)

HS for HB 1498-Johnson (90),

with SCS (Sims)

HB 1600-Treadway, with SS &

SA 3 (pending) (Mathewson)

HS for HCS for HB 1650-

Hoppe, with SCS (Steelman)

HS for HCS for HBs 1654 &

1156-Hosmer, with SCS

(Caskey)

HB 1679-Crump, with SCS &

point of order (Sims)

HS for HCS for HB 1756-Reid,

with SS, SS for SS, SA 1 & SSA 1 for

SA 1 (pending) (Klarich)

HCS for HB 1817, with SCS

(Bentley)

HB 1869-Barry (Klarich)

HS for HCS for HB 1906-

Green (73), with SCS &

SS for SCS (pending)

(Kenney)

HS for HB 1994-Hosmer,

with SA 1 & SA 2 to

Part I of SA 1 (pending)

(Bentley)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al,

with SCS (pending)

(Coleman)

HB 1085-Mays (50) (Quick)

HB 1643-Holand and Barry

(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson, with HCS

SB 856-Russell, with HS

for HCS, as amended

SCS for SB 1212-Mathewson,

with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 670 &

684-Sims, with HS for

HCS, as amended

SCS for SB 680-Bland, with HS for

HCS, as amended

SCS for SBs 915, 710 &

907-Westfall, et al,

with HS, as amended

SS for SCS for SBs 969,

673 & 855-Westfall,
with HS#2 for HCS, as amended
SS for SS for SCS for SBs
970, 968, 921, 867, 868
& 738-Westfall, with HS
for HCS, as amended
SS#2 for SCS for SBs 984
& 985-Steelman, with
HS, as amended
SCS for SBs 1061 & 1062-
Rohrbach and Kenney, with
HS for HCS,
as amended
SCS for SBs 1086 & 1126-
DePasco & Quick, with HCS
(Senate adopted CCR
and passed CCS)
SB 1220-Sims, with HS, as
amended
(Further conference granted)
SS for SB 1248-Mathewson,
with HS for HCS,
as amended
HBs 1270 & 2032-Gratz,
with SS for SCS, as
amended (Westfall)
HB 1313-Burton, with SCS
(Foster)
(House adopted CCR

and passed CCS)

HB 1348-Myers, et al,
with SS#2 for SCS, as
amended (Foster)

HB 1402-Burton, et al, with
SCS, as amended (Steelman)

HB 1446-Luetkenhaus, with
SS#2 for SCS, as amended (Kenney)

HB 1712-Monaco, et al,
with SS for SCS, as
amended (Klarich)

HB 1748-Ransdall, with SS,
as amended (Steelman)

HCS for HB 1898, with SS
for SCS (Goode)

HS for HCS for HB 1962-
Monaco, with SS for SCS,
as amended (Klarich)

Requests to Recede or Grant Conference

SS for SCS for SBs 837, 866,
972 & 990-Cauthorn, with HCS,
as amended (Senate requests House
recede or grant conference)

SS for SCS for SBs 923, 828, 876,
694 & 736-Sims, with HS for HCS,
as amended (Senate requests House
recede or grant conference)

HB 1953-Van Zandt, et al,
with SCS, as amended
(Singleton)
(House requests Senate
recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SCR 41-Rohrbach, with HCS

SR 1805-Schneider, et al

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1

MISCELLANEOUS

REMONSTRANCE 1-Caskey

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIFTH DAY--FRIDAY, MAY 17, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Well done my good and faithful servants." (Matthew 25:23)

Wondrous God, today marks the end of our regular session and it has been a time of great stress and complexity. As the clock ticks and final bills agreed to we are thankful for the help You have provided and guidance You have given. We are most thankful for those Senators who have given of their time and talents and themselves, who now leave the Senate and pursue new adventures and service. We thank You for them and the time we have shared with them and the good work they now complete. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KMIZ-TV, the Jefferson City News Tribune, Associated Press, KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Rohrbach moved that **SCR 41**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SCR 41** was taken up.

Senator Rohrbach moved that **HCS** for **SCR 41** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	Coleman
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Dougherty	Schneider
Stoll--5			

Absent with leave--Senator DePasco--1

On motion of Senator Rohrbach, **SCR 41**, as amended by the **HCS**, was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Coleman	Dougherty	Schneider--3
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Absent with leave--Senator DePasco--1

REFERRALS

President Pro Tem Kinder referred **HS** for **HB 1594**, with **SCS**, to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 1196** and has taken up and passed **SS** for **SCS** for **HB 1196**. Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, entitled:

An Act to repeal sections 87.207, 99.847, 190.044, 190.050, 190.092, 190.094, 190.100, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 321.130, and 334.735, RSMo, and to enact in lieu thereof fifty-three new sections relating to emergency services, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 7, 8, 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 63, Section 190.528, Lines 3 to 7 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**strict as the minimum state standards, and no such regulations or ordinances shall**"; and

Further amend said bill, Page 63, Section 190.528, Line 10 of said page, by deleting the year "**2001**" and inserting in lieu thereof the year "**2002**"; and

Further amend said bill, Page 63, Section 190.528, Line 12, by deleting the year "**2001**" and inserting in lieu thereof the year "**2002**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, by inserting in the appropriate location:

"Section 2. Any county that has established an emergency telephone service 911 Board pursuant to section 190.309, may impose a county sales tax pursuant to subsections 1 to 7 of section 190.335, in lieu of tax imposed pursuant to section 190.305, and shall not be required to establish a Board pursuant to subsections 8 to 10 of section 190.335, RSMo."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, by inserting in the appropriate location, all of the following:

"190.246. 1. As used in this section, the following terms shall mean:

(1) "Eligible person, firm, organization or other entity", an ambulance service or emergency medical response agency, a certified first responder, emergency medical technician-basic or emergency medical technician-paramedic who is employed by, or an enrolled member, person, firm, organization or entity designated by, rule of the department of health and senior services in consultation with other appropriate agencies. All such eligible persons, firms, organizations or other entities shall be subject to the rules promulgated by the director of the department of health and senior services;

(2) "Emergency health care provider":

(a) A physician licensed pursuant to chapter 334, RSMo, with knowledge and experience in the delivery of emergency care; or

(b) A hospital licensed pursuant to chapter 197, RSMo, that provides emergency care.

2. Possession and use of epinephrine auto-injector devices shall be limited as follows:

(1) No person shall use an epinephrine auto-injector device unless such person has successfully completed a training course in the use of epinephrine auto-injector devices approved by the director of the department of health and senior services. Nothing in this section shall prohibit the use of an epinephrine auto-injector device:

(a) By a health care professional licensed or certified by this state who is acting within the scope of his or her practice; or

(b) By a person acting pursuant to a lawful prescription;

(2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in accordance with the rules of the department;

(3) Every use of an epinephrine auto-injector device pursuant to this section shall immediately be reported to the emergency health care provider.

3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any law relating to liability.

(2) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful practice of a profession.

(3) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell or provide it to a person authorized to possess it pursuant to this section.

4. Any person, firm, organization or entity that violates the provisions of this section is guilty of a class B misdemeanor." ; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, by inserting in the appropriate location the following:

"87.235. 1. Effective May 1, 2002, upon the receipt of evidence and proof that the death of a member was the result of an accident or exposure at any time or place, provided that at such time or place the member was in the actual performance of the member's duty and, in the case of an exposure, while in response to an emergency call, or was acting pursuant to orders, there shall be paid in lieu of all other benefits the following benefits:

(1) A retirement allowance to the widow during the person's widowhood of [fifty] ~~seventy~~ percent of the [deceased member's average final compensation] ~~pay then provided by law for the highest step in the range of salary for the next title or next rank above the member's range or title held at the time of the member's death~~, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who is totally and permanently mentally or physically disabled and incapacitated, regardless of age, but not in excess of a total of three children, including both classes, and paid as the board of trustees in its discretion directs;

(2) If no widow benefits are payable pursuant to subdivision (1), such total allowance as would have been paid had there been a widow shall be divided among the unmarried dependent children under the age of eighteen and such unmarried children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated, and paid to or for the benefit of such children as the board of trustees in its discretion shall direct;

(3) If there is no widow, or child under the age of eighteen years, or child, regardless of age, who is totally and

permanently mentally or physically disabled and incapacitated, then an amount equal to the widow's benefit shall be paid to the member's dependent father or dependent mother, as the board of trustees shall direct, to continue until remarriage or death;

(4) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age of eighteen years through the age of twenty-five years in such cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training or university, but such benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

2. No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently mentally or physically disabled and incapacitated, if such child is a patient or ward in a public-supported institution.

3. Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the widow of the deceased member, the child's benefits may be paid to the widow for the child."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 6, Line 20, by inserting a "1" after the "99.847" on said page; and

Further amend, Page 7, Line 9, by inserting after said line:

"2. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants.

3. Sections 99.866 and 99.874, RSMo, shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects (including redevelopment project costs) by not more than forty percent of such project original projected cost (including redevelopment project costs) as such projects (including redevelopment project costs) existed as of June 30, 2003, and shall allow the aforementioned tax incremented financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 79, Section 321.552, Line 6, by inserting after the word "inhabitants" the following: **"or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants, or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or any county with a charter form of government with over one million inhabitants, or any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants,".**

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 79, Section 321.130, Line 4, by adding at the end of said line, the following:

"321.180. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. He shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount to be determined by the board for not less than five thousand dollars, conditioned on the faithful performance of the duties of his office. He shall file in the office of the county clerk of each county in which all or part of the district lies a detailed financial statement for the preceding fiscal year of the district on behalf of the board, on or before April first of the following year. [The fiscal year of the board shall be the same as the calendar year, beginning January first of each year and ending December thirty-first of the same year.]".

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 11, Section 190.053, Line 19, by deleting all of said section; and

Further amend said bill, Page 15, Line 10, by deleting all of Section 190.054; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, by adding the following language to the end of said bill.

"50.550. **1.** The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

6. Subject to the provisions of section 50.555 the county commission may create a fund to be known as "The County Crime Reduction Fund".

7. The county commission may create other funds as are necessary from time to time.

50.555. 1. A county commission may establish by ordinance or order a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county crime reduction fund and shall be under the supervision of a board of trustees consisting of one citizen of the county appointed by the presiding commissioner of the county, one citizen of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county prosecuting attorney.

2. Money from the county crime reduction fund shall only be expended upon the approval of a majority of the members of the county crime reduction fund's board of trustees and only for the purposes provided for by subsection 3 of this section.

3. Money from the county crime reduction fund shall only be expended for the following purposes:

(1) Narcotics investigation, prevention, and intervention;

(2) Purchase of law enforcement related equipment and supplies for the sheriff's office;

(3) Matching funds for federal or state law enforcement grants;

(4) Funding for the reporting of all state and federal crime statistics or information; and

(5) Any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county crime reduction fund that is reasonably related to investigation, preparation, trial, and disposition of criminal cases before the courts of the state of Missouri.

4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county crime reduction fund. The crime reduction fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state, or federal funds.

5. County crime reduction funds shall be audited as are all other county funds.

558.019.1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

2. The provisions of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a defendant after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the defendant has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the defendant must serve shall be forty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(2) If the defendant has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the defendant has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the defendant before he is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

(a) The nature and severity of each offense;

(b) The record of prior offenses by the offender;

(c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and

(d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.

(5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. If the imposition or execution of a sentence is suspended, the court may consider ordering restorative justice methods pursuant to section 217.777, RSMo, including any or all of the following, or any other method that the court finds just or appropriate:

(1) Restitution to any victim for costs incurred as a result of the offender's actions;

(2) Offender treatment programs;

(3) Mandatory community services;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

8. If the imposition or execution of a sentence is suspended for a misdemeanor, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to section 50.555, RSMo. Such contribution shall not exceed five hundred dollars for any course of conduct, regardless of the number of charges resulting from such conduct. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555, RSMo. County crime reduction funds shall be audited as are all other county funds.

[7.] **9.** The provisions of this section shall apply only to offenses occurring on or after August 28, 1994.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

(1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty or a

finding of guilt, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to section 50.555, RSMo. Such contribution shall not exceed five hundred dollars for any course of conduct, regardless of the number of charges resulting from such conduct. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555, RSMo. County crime reduction funds shall be audited as are all other county funds.

[3.] **4.** The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

[4.] **5.** The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

6. The defendant may refuse probation conditioned on a payment to a county crime reduction fund. If he or she does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. A judge may order payment to a crime reduction fund only if such fund had been created prior to sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering the probationers to make payments. A defendant who fails to make a payment or payments to a county crime reduction fund may not have his probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay."; and

Further amend the title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Photographers from KTVI-TV and the St. Louis Post-Dispatch were given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 1248**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1248

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1248, with House Amendment No. 2, begs leave to report that we, after free and fair discussion of the

differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1248, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 1248;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1248, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ J. L. Mathewson /s/ James Foley

/s/ Ed Quick /s/ Jim Kreider

/s/ Chuck Gross /s/ Chuck Graham

/s/ David J. Klarich 26 /s/ Catherine L. Hanaway

/s/ Michael R. Gibbons /s/ Shannon Cooper

Senator Mathewson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Loudon	Rohrbach--2		
Absent--Senators			
Childers	Coleman--2		
Absent with leave--Senator DePasco--1			

On motion of Senator Mathewson, **CCS** for **HS** for **HCS** for **SS** for **SB 1248**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 1248

An Act to repeal sections 143.121, 143.811, 313.300, 447.532, 470.010, 470.020, 470.030, 470.040, 470.050, 470.060, 470.070, 470.080, 470.130, 470.150, 470.190, 470.200, 470.210, 470.220, 470.230, 470.240, 470.250, 470.260, 470.270, 470.280, 470.290, 470.300, 470.310, 470.320, 470.330, 470.340, 470.350 and 542.301, RSMo, and to enact in lieu thereof thirty-five new sections relating to certain funds for public elementary and secondary education, with an

emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Loudon--1			
Absent--Senators			
Bland	Coleman--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Loudon	Singleton--2		
Absent--Senator Coleman--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1402**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1402**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 58**.

Concurrent Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 1143**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Senator Sims requested unanimous consent of the Senate to suspend the rules to allow the Conferees on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, as amended, to meet at 11:30 a.m., while the Senate is in Session, which request was granted.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, as amended: Senators Sims, Bentley, Gross, Dougherty and Johnson.

PRIVILEGED MOTIONS

Senator Kenney moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 1143**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1143**, as amended: Senators Kenney, Steelman, Klarich, Goode and Quick.

PRIVILEGED MOTIONS

Senator Childers moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended, and request the House to recede from its position and grant the Senate a conference thereon, which motion prevailed.

Senator Singleton moved that the Senate refuse to recede from its position on **SCS** for **HB 1953**, as amended, and

grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1953**, as amended: Senators Singleton, Sims, Steelman, Bland and Wiggins.

HOUSE BILLS ON THIRD READING

Senator Gibbons moved that **HCS** for **HBs 1150, 1237 and 1327**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 1150, 1237 and 1327**, as amended, was again taken up.

Senator Gibbons offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 14, Section 144.1015, Line 27, by inserting after all of said line the following:

"Section 1. The provisions of subsections 11 and 12 of section 137.115, RSMo, shall only apply in any county with a charter form of government with more than one million inhabitants.

Section 2. The provisions of subsection 3 of section 138.100, RSMo, shall only apply in any county with a charter form of government with more than one million inhabitants."; and further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HBs 1150, 1237 and 1327**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **HCS** for **HBs 1150, 1237 and 1327**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Stelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	Mathewson	Quick	Schneider
Staples--5			

Absent with leave--Senator DePasco--1

Senator Gross assumed the Chair.

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Childers	Mathewson--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE NO. 2 FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 969, 673 and 855

The Conference Committee appointed on House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 & 855, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 & 855, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 & 855;

3. That the attached Conference Committee Substitute for House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 & 855, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Morris Westfall /s/ Phil Smith

/s/ Roseann Bentley /s/ W. Craig Hosmer

/s/ David Klindt /s/ Phillip Britt

/s/ Harold Caskey Robert Mayer

/s/ Maida J. Coleman Carl Hendrickson

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Rohrbach--1			
Absent--Senators			
Gibbons	Schneider	Sims--3	
Absent with leave--Senator DePasco--1			

On motion of Senator Westfall, **CCS** for **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673** and **855**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 969, 673 and 855

An Act to repeal sections 43.540, 217.690, 547.170, 556.061, 565.225, 565.253, 566.010, 566.090, 589.400, 589.410, and 632.483, RSMo, and to enact in lieu thereof nineteen new sections relating to prosecution and prevention of sex crimes, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn

Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Gibbons	Mathewson	Sims--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1402**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1402

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1402, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 7, and Senate Amendment No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1402, as amended;
2. That the House recede from its position on House Bill No. 1402;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1402, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Sarah Steelman /s/ Carol Mays

/s/ Bill Kenney /s/ William W. Gratz

/s/ Roseann Bentley James O'Toole

/s/ Wayne Goode /s/ Gary Burton

/s/ Stephen Stoll /s/ Rex Rector

Senator Klarich assumed the Chair.

President Pro Tem Kinder assumed the Chair.

Senator Steelman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Stelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Dougherty	Singleton--2		
Absent--Senators			
Coleman	Gibbons	Mathewson--3	
Absent with leave--Senator DePasco--1			

On motion of Senator Steelman, **CCS** for **SCS** for **HB 1402**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO.
1402

An Act to repeal sections 386.025, 392.410, 393.295, 393.700, 393.705, 393.715, 393.725, 393.740 and 393.765, RSMo, and to enact in lieu thereof twelve new sections relating to utility projects, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Staples	Stelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Dougherty	Singleton--2		
Absent--Senators			
Coleman	Mathewson	Sims--3	
Absent with leave--Senator DePasco--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn

Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Singleton--1		
	Absent--Senators		
Childers	Coleman--2		
	Absent with leave--Senator DePasco--1		

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HB 1399**, entitled:

An Act to repeal section 42.175, RSMo, and to enact in lieu thereof one new section relating to World War II medals, with an emergency clause.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **HS** for **HB 1399** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Coleman--1		
	Absent with leave--Senator DePasco--1		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick

Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Gross	Staples--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 1398**, entitled:

An Act to repeal sections 42.170 and 42.175, RSMo, and to enact in lieu thereof two new sections relating to World War II medals, with an emergency clause.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **HCS** for **HB 1398** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Schneider	Staples--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Coleman	Goode	Schneider

Singleton

Staples--6

Absent with leave--Senator DePasco--1

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

At the request of Senator Kenney, **HCS** for **HB 1695**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cauthorn, **HS** for **HCS** for **HBs 1729, 1589** and **1435** was placed on the Informal Calendar.

At the request of Senator Wiggins, **HB 1634**, with **SCS**, was placed on the Informal Calendar.

Photographers from the Senate were given permission to take pictures in the Senate Gallery today.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 1143**, as amended. Representatives: Rizzo, Scheve, Smith, Hanaway and Kelly (47).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694** and **736**, as amended. Representatives: Barry, Johnson (90), Paone, Bartlesmeyer, Berkstresser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 65**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 74**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCS** for **SCR 57**.

On motion of Senator Kenney, the Senate recessed until 12:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

HOUSE BILLS ON THIRD READING

HB 2137, with **SCS**, introduced by Representative Crump, entitled:

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof one new section relating to compensation for county treasurers.

Was taken up by Senator Caskey.

SCS for **HB 2137**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2137

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof one new section relating to compensation for county treasurers.

Was taken up.

Senator Caskey moved that **SCS** for **HB 2137** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 2137** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Klindt	Russell	Singleton--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 1695**, with **SCS**, entitled:

An Act to repeal section 376.1219, RSMo, and to enact in lieu thereof five new sections relating to health insurance coverage for PKU and inherited diseases.

Was called from the Informal Calendar and taken up by Senator Kenney.

SCS for **HCS** for **HB 1695**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1695

An Act to repeal sections 354.085, 354.405, 354.603 and 376.1219, RSMo, and to enact in lieu thereof seven new sections relating to health insurance.

Was taken up.

Senator Kenney moved that **SCS** for **HCS** for **HB 1695** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **HCS** for **HB 1695** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Klarich--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 984 and 985

The Conference Committee appointed on House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 & 985, with House Amendment Nos. 1, 2, 3, 4, 5 and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Substitute No. 2 for Senate Committee

Substitute for Senate Bills Nos. 984 & 985, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 & 985;

3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 & 985 be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Sarah Steelman /s/ Denny Merideth

/s/ John Cauthorn /s/ Bill Ransdall

/s/ David Klindt /s/ Frank A. Barnitz

/s/ Harold Caskey /s/ Gary Marble

/s/ Maida J. Coleman /s/ Van Kelly

Senator Steelman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Coleman
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Goode	Rohrbach--2		
Absent--Senators			
Bland	Childers	Staples--3	
Absent with leave--Senator DePasco--1			

On motion of Senator Steelman, **CCS** for **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 984 and 985

An Act to repeal sections 142.028, 247.030, 247.031, 247.040, 247.217, 247.220, 260.200, 323.060, 393.847, 414.032, 640.100, 643.220, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof twenty-five new sections relating to environmental regulation.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins--28
	NAYS--Senators		
Goode	Rohrbach--2		
	Absent--Senators		
Bland	Staples	Yeckel--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SCS** for **SBs 915, 710 and 907**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 915, 710 and 907

The Conference Committee appointed on House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 & 907, with House Amendment Nos. 1, 3, 4, 5, 6, 7, 8, 12, 13 and 15, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 & 907, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 915, 710 & 907;
3. That the attached Conference Committee Substitute for House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 & 907, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Morris Westfall /s/ Don Koller

/s/ John T. Russell /s/ Timothy P. Green

David Klindt /s/ Sam Berkowitz

/s/ Danny Staples /s/ Cindy Ostmann

Wayne Goode Larry Crawford

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Goode	House
Jacob	Johnson	Kennedy	Kinder
Mathewson	Quick	Russell	Schneider
Sims	Staples	Stoll	Westfall
Wiggins--21			
NAYS--Senators			
Foster	Gibbons	Gross	Kenney
Klarich	Klindt	Loudon	Rohrbach
Singleton	Steelman	Yeckel--11	
Absent--Senator Bland--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Westfall, **CCS** for **HS** for **SCS** for **SBs 915, 710 and 907**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 915, 710 and 907

An Act to repeal sections 142.803, 144.020, 144.021, 144.440, 144.700 and 226.200, RSMo, relating to measures to increase funding for transportation, and to enact in lieu thereof eight new sections relating to the same subject, with a referendum clause, effective date and a contingent termination date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Goode	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Staples	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Foster	Gibbons	Gross	Klindt
Rohrbach	Steelman--6		
Absent--Senator Bland--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS No. 2** for **SB 1191**, entitled:

An Act to repeal section 8.010, RSMo, and to enact in lieu thereof twenty-five new sections relating to the tobacco settlement financing authority act, with an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, 5, 6 and 9.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Page 21, Section 8.560, Line 1, by deleting all of said lines and inserting in lieu thereof the following: "**petition pursuant to chapter 9 of the federal bankruptcy**"; and

Further amend said bill, Page 21, Section 8.560, Line 5, by deleting all of said line and inserting in lieu thereof the following: "**or become a debtor pursuant to chapter 9 or any successor**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Page 7, Section 8.530, Line 18, by inserting after the word "**entities**" the following: "**for the purpose of securing debt obligations with a maturity of not more than one year issued pursuant to Section 8.545 hereof**"; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, by inserting in the appropriate location the following:

"Section 1. 1. There is established a joint committee of the General Assembly to be known as the "Advisory Committee on Tobacco Securitization", to be comprised of five members of the senate and five members of the house of representatives. Three of the senate members shall be appointed by the president pro tem of the senate and two by the senate minority leader. Three of the house members shall be appointed by the speaker of the house and two by the house minority leader. The appointment of each member shall continue during his or her term of office as a member of the general assembly or until a successor has been duly appointed to fill his or her place when his or her term of office as a member of the general assembly has expired.

2. The committee shall study and recommend who the financial advisors, investment bankers, and other professional advisors shall be for the Authority, and shall make a written report to the Authority within sixty days of passage of the bill. The committee shall also study and provide a written report by December 31 of each year to the Authority detailing suggested allowable projects and payments for which money from the tobacco settlement securitization settlement trust fund may be used in the next appropriation cycle."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Page 3, Section 8.505, Line 2, after the word "shortfalls" inserting the phrase "**refund a portion of the general obligation indebtedness of the State.**".

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Pages 1 to 2, Section 8.010, by deleting said section and inserting in lieu thereof the following:

"1. The governor, attorney general and lieutenant governor constitute the board of public buildings. The governor is chairman and the lieutenant governor, secretary. The speaker of the house of representatives and the president pro tempore of the senate shall serve as ex-officio member of the board but shall not have the power to vote."; and

Further amend said bill, Page 5, Section 8.520, by deleting said section and inserting in lieu thereof the following:

"The powers of the authority are vested in and shall be exercised by a board consisting of three members: the governor, the lieutenant governor, and the attorney general. The speaker of the house of representatives and the president pro tempore of the senate shall serve as ex-officio member of the board but shall not have the power to vote. The treasurer of the state may serve as an ex officio member of the authority but shall not have the power to vote. Two members of the board constitute a quorum. The members shall elect a chairperson, vice chairperson, and secretary, annually, and other officers as the members determine necessary. Meetings of the board shall be held at the call of the chairperson or when a majority of the members so request. The members of the board shall not receive compensation by reason of their membership on the board."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Page 19, Section 8.550, Line 22, by deleting the term "**two hundred million dollars**" and inserting in lieu thereof the following: "**one hundred seventy-five million dollars.**"; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Page 21, Section 8.570, Line 25, by deleting the phrase "The net proceeds of bonds issued to implement Sections 8.500 to 8.565 shall not exceed six hundred million dollars".

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SB 1248**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SB 1248**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 834**, entitled:

An Act to repeal sections 311.070, 311.178, and 311.680, RSMo, and to enact in lieu thereof four new sections relating to liquor control, with an emergency clause for a certain section.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Schneider moved that **SR 1805** be taken up for adoption, which motion prevailed.

On motion of Senator Schneider, **SR 1805** was adopted.

Senator Schneider offered Senate Resolution No. 1806, regarding the Jerry Ford Orchestra, Cape Girardeau, which was adopted.

Senators Russell and Rohrbach offered Senate Resolution No. 1807, regarding Sharon M. Busch, Jefferson City, which was adopted.

Senators Gross and House offered Senate Resolution No. 1808, regarding Pat Gilman, St. Charles County, which was adopted.

Senator Coleman offered Senate Resolution No. 1809, regarding the Centennial Anniversary of the New Northside Missionary Baptist Church, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1810, regarding Rita Hill, St. Louis, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1811, regarding Erma Gerber, Jefferson City, which was adopted.

Senators Schneider, Caskey and Gibbons offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1812

WHEREAS, Legal Services is an integral part of our justice system and provides valuable assistance to those financially unable to access the legal system; and

WHEREAS, Legal Services has suffered a total loss of funding because of our state's budget cutbacks; and

WHEREAS, The Tort Victims Compensation Fund is an essential tool to provide some just compensation to underfunded tort victims; and

WHEREAS, House Bill No. 1962 now proposes to authorize court costs of \$20 on all appellate filings and \$8 on filings in circuit and associate courts to fund Legal Services and the Tort Victims Compensation Fund; and

WHEREAS, the Missouri Senate finds that attorneys should be particularly responsible to support essential needs of justice served by Legal Services and the Tort Victims Compensation Fund:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, hereby request the Board of Governors of the Missouri State Bar Association to endorse increasing bar dues \$75 per year to support those purposes; and

BE IT FURTHER RESOLVED that the Senate urges the Supreme Court to so increase bar dues to support said purposes.

HOUSE BILLS ON THIRD READING

HB 1634, with **SCS**, introduced by Representative Hoppe, entitled:

An Act to repeal sections 141.770 and 141.790, RSMo, and to enact in lieu thereof two new sections relating to land trust expenses.

Was called from the Informal Calendar and taken up by Senator Wiggins.

SCS for **HB 1634**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1634

An Act to repeal sections 141.610, 141.720, 141.750, 141.770, 141.790, 447.620, 447.622, 447.625, 447.632, 447.636, 447.638 and 447.640, RSMo, relating to land trusts and transfers, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 1634** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1634, Page 1, Section A, Line 5, by inserting after all of said line the following:

"52.250. The collectors in third class counties shall collect a fee of one-half of one percent [and the collectors in fourth class counties shall collect a fee of one percent] of all current taxes collected, including current delinquent taxes, exclusive of all current railroad and utility taxes collected **on behalf of the county**, as compensation for mailing the statements and receipts. All fees collected pursuant to this section shall be collected on behalf of the county and shall be paid into the county treasury. **Notwithstanding any provisions of law to the contrary, or any other provision of law in conflict with the provisions of this section, in all counties which become counties of the second or fourth classification after December 31, 2000, one-half of one percent of all current taxes collected, including current delinquent taxes allocable to each taxing authority within the county and the county shall continue to be deducted each year for mailing the statements and receipts, exclusive of all current railroad and utility taxes collected, and shall be deposited into the county general fund as required by this section as if the county had retained its classification as a county of either the third or the fourth classification.** Collectors in third and fourth class counties are entitled to collect such fees immediately upon an order of the circuit court [under] **pursuant to** section 139.031, RSMo. If the protest is later sustained and a portion of the taxes so paid is returned to the taxpayer the county shall return that portion of the fee collected on the amount returned to the taxpayer. **Such county collector may accept credit cards as proper form of payment of outstanding taxes due. No county collector may charge a surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank for its service.**

52.290. 1. In all counties except counties of the first classification having a charter form of government and any city not within a county, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of [five] **seven** percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. [Two-fifths] **Two-sevenths** of the fees collected [under] **pursuant to** the provisions of this section shall be paid into the county general fund, **two-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the tax maintenance fund of the county as required by section 52.312** and [three-fifths] **three-sevenths** of the fees collected [under] **pursuant to** the provisions of this section shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200, RSMo.

2. In all counties of the first classification having a charter form of government and any city not within a county, the collector shall collect on behalf of the county and pay into the county general fund a fee for the collection of

delinquent and back taxes of two percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax **except that in a county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of three percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. Two-thirds of the fees collected pursuant to the provisions of this section shall be paid into the county general fund and one-third of the fees collected pursuant to this section shall be paid into the tax maintenance fund of the county as required by section 52.312, RSMo.**

3. Such county collector may accept credit cards as proper form of payment of outstanding delinquent and back taxes due. No county collector may charge a surcharge for payment by credit card.

52.312. Notwithstanding any provisions of law to the contrary, in addition to fees provided for in this chapter, or any other provisions of law in conflict with the provisions of this section, all counties, including a county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants other than counties of the first classification having a charter form of government and any city not within a county, subject to the provisions of this section, shall establish a fund to be known as the "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the office of collector.

52.315. 1. The two-sevenths collected to fund the tax maintenance fund pursuant to section 52.290, shall be transmitted monthly for deposit into the tax maintenance fund and used for additional administration and operation costs for the office of collector. Any costs shall include, but shall not be limited to, those costs that require any additional out-of-pocket expense by the office of collector and it may include reimbursement to county general revenue for the salaries of employees of the office of collector for hours worked and any other expenses necessary to conduct and execute the duties and responsibilities of such office.

2. The tax maintenance fund may also be used by the collector for training, purchasing new or upgrading information technology, equipment or other essential administrative expenses necessary to carry out the duties and responsibilities of the office of collector, including anything necessarily pertaining thereto.

3. The collector has the sole responsibility for all expenditures made from the tax maintenance fund and shall approve all expenditures from such fund. All such expenditures from the tax maintenance fund shall not be used to substitute for or subsidize any allocation of county general revenue for the operation of the office of collector.

4. The tax maintenance fund may be audited by the appropriate auditing agency. Any unexpended balance shall be left in the tax maintenance fund, to accumulate from year to year with interest.

52.317. Any county subject to the provisions of section 52.312 shall provide moneys for budget purposes in an amount not less than the approved budget in the previous year and shall include the same percentage adjustments in compensation as provided for other county employees as effective January first each year. Any moneys accumulated and remaining in the tax maintenance fund as of December thirty-first each year in all counties of the first classification without a charter form of government and any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants shall be limited to an amount equal to one-half of the previous year's approved budget for the office of collector, and any moneys accumulated and remaining in the tax maintenance fund as of December thirty-first each year in all counties other than counties of the first classification and any city not within a county, which collect more than four million dollars of all current taxes charged to be collected, shall be limited to an amount equal to the previous year's approved budget for the office of collector. Any moneys remaining in the tax maintenance fund as of December thirty-first each year that exceed the above established limits shall be transferred to county general revenue by the following January fifteenth of each year.

54.323. Notwithstanding any provisions of law to the contrary, in addition to fees provided for in this chapter, or any other provisions of law in conflict with the provisions of this section, all counties of the third and fourth

classification adopting township organization subject to the provisions of this section, shall establish a fund to be known as the "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the office of treasurer ex officio collector.

54.325. 1. In addition to the fees collected on all delinquent and back taxes by any treasurer ex officio collector pursuant to the provisions of this chapter and chapter 50, RSMo, such ex officio collector shall collect an additional two percent on all delinquent and back taxes and these additional fees shall be transmitted monthly for deposit into the tax maintenance fund pursuant to the provisions of section 54.323 and used for additional administration and operation costs for the office of treasurer ex officio collector. Any costs shall include, but shall not be limited to, those costs that require any additional out-of-pocket expense by the office of treasurer ex officio collector and it may include reimbursement to county general revenue for the salaries of employees of the office of treasurer ex officio collector for hours worked and any other expenses necessary to conduct and execute the duties and responsibilities of such office.

2. The tax maintenance fund may also be used by the treasurer ex officio collector for training, purchasing new or upgrading information technology, equipment or other essential administrative expenses necessary to carry out the duties and responsibilities of the office of treasurer ex officio collector, including anything necessarily pertaining thereto.

3. The treasurer ex officio collector has the sole responsibility for all expenditures made from the tax maintenance fund and shall approve all expenditures from such fund. All such expenditures from the tax maintenance fund shall not be used to substitute for or subsidize any allocation of county general revenue for the operation of the office of treasurer ex officio collector.

4. The tax maintenance fund may be audited by the appropriate auditing agency. Any unexpended balance shall be left in the tax maintenance fund, to accumulate from year to year with interest.

54.327. Any county of the third and fourth classification adopting township organization shall provide moneys for budget purposes in an amount not less than the approved budget in the previous year and shall include the same percentage adjustments in compensation as provided for other county employees as effective January first each year. Any moneys accumulated and remaining in the tax maintenance fund as of December thirty-first each year in all counties of the third and fourth classification adopting township organization shall be limited to an amount equal to the previous year's approved budget for the office of treasurer ex officio collector. Any moneys remaining in the tax maintenance fund as of December thirty-first each year that exceed the above established limits shall be transferred to county general revenue by the following January fifteenth of each year."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Klarich assumed the Chair.

Senator Wiggins moved that **SCS** for **HB 1634**, as amended, be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HB 1634**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon

Mathewson	Quick	Rohrbach	Sims
Singleton	Staples	Steelman	Stoll
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Russell	Schneider	Westfall--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Gross moved that **HS** for **HB 1455**, with **SCS**, **SS** for **SCS**, **SA 4** and **SSA 1** for **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Maxwell assumed the Chair.

SSA 1 for **SA 4** was again taken up.

Senator Schneider moved that the above substitute amendment be adopted, which motion prevailed on a standing division vote.

At the request of Senator Gross, **HS** for **HB 1455**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, and has taken up and passed **CCS NO. 2** for **SS** for **SCS** for **HB 1270** and **HB 2032**.

Emergency clause adopted.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended: Senators Childers, Quick, Gibbons, Gross and Stoll.

Photographers from the Kansas City Star were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HB 1600**, with **SS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Yeckel, the above amendment was withdrawn.

SS for **HB 1600**, as amended, was again taken up.

At the request of Senator Mathewson, **SS** for **HB 1600**, as amended, was withdrawn.

Senator Mathewson offered **SS No. 2** for **HB 1600**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 1600

An Act to repeal sections 318.100, 326.256, 326.271, 326.280, 326.283, 326.286, 326.289 and 326.292, RSMo, and to enact in lieu thereof twenty-nine new sections relating to licensing requirements for public accountants, private investigators and keepers of billiard tables, with penalty provisions.

Senator Mathewson moved that **SS No. 2** for **HB 1600** be adopted.

Senator Kinder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Bill No. 1600, Page 47, Section 326.292, Line 5 of said page, by inserting after all of said line the following:

"335.016. As used in [sections 335.011 to 335.096] **this chapter**, unless the context clearly requires otherwise, the following words and terms mean:

- (1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;
- (2) "Advanced practice nurse", a nurse who has had education beyond the basic nursing education and is certified by a nationally recognized professional organization as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses;
- (3) "Approval", official recognition of nursing education programs which meet standards established by the board of nursing;
- (4) "Board" or "state board", the state board of nursing;
- (5) "Executive director", a qualified [registered professional nurse] **individual** employed by the board as executive secretary or otherwise to administer the provisions of [sections 335.011 to 335.096] **this chapter** under the board's direction. Such person employed as executive director shall not be a member of the board;
- (6) "Inactive nurse", as defined by rule pursuant to section 335.061;
- (7) A "licensed practical nurse" or "practical nurse", a person licensed pursuant to the provisions of [sections 335.011 to 335.096] **this chapter** to engage in the practice of practical nursing;

(8) "Licensure", the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice professional or practical nursing;

(9) "Practical nursing", the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

(10) "Professional nursing", the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

- (a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;
- (b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;
- (c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;
- (d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;
- (e) The teaching and supervision of other persons in the performance of any of the foregoing;

(11) A "registered professional nurse" or "registered nurse", a person licensed pursuant to the provisions of [sections 335.011 to 335.096] **this chapter** to engage in the practice of professional nursing."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for House Bill No. 1600, Pages 1-20, Sections 324.1100-1140, by deleting all of said sections.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for House Bill No. 1600, Page 47, Section 326.292, Line 5 of said page, by inserting after all of said line the following:

"334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of economic development or a designated agency thereof;
- (5) "License", a document issued to an applicant by the department acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
- (8) "Supervision", [control exercised over a physician assistant working within the same office facility of the supervising physician except a physician assistant may make follow-up patient examinations in hospitals, nursing homes and correctional facilities, each such examination being reviewed, approved and signed by the supervising physician] **overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant. The supervising physician shall at all times be immediately available to the physician assistant for consultation, assistance or intervention either personally or via telecommunications. A supervising physician shall be personally present for practice supervision and collaboration a minimum of twenty percent of clinic hours in any clinic location utilizing physicians assistants. The physician assistant shall be limited to practice at locations where the supervising physician is no further than thirty miles by road using the most direct route available, or in any other fashion so distanced as to create an impediment to effective intervention and supervision of patient care or adequate review of services; except that, physician assistants practicing in federally designated health professional shortage areas (HPSA's) shall be limited to practice at locations where the supervising physician is no further than fifty miles by road, using the most direct route available.** The board shall promulgate rules pursuant to chapter 536, RSMo, for the [proximity of practice between the physician assistant and the supervising physician and] documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved

by a licensed physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the [physician's] **physician** assistant has been trained and is proficient to perform;

(10) Physician assistants shall not perform abortions.

3. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy independent of consultation with the supervising physician, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall not prescribe controlled substances;

(2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant or advanced practice nurse as defined in section 335.016, RSMo, may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and

(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

4. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant.

5. The physician assistant shall be a person who is a graduate of a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or its successor or is certified by a national nongovernmental agency or association, who has passed the National Commission on Certification of Physician Assistants examination and has active certification by the National Commission on Certification of Physician Assistants or its successor. A person who has been employed as a physician assistant for three years prior to August 28, 1989, and has passed the National Commission on Certification of Physician Assistants examination shall be deemed to have met the academic requirements necessary for licensing. **All applicants for physician assistant licensure who complete their physician assistant training program after January 1, 2005, must have a master's degree in a health or medical science related field.**

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536, RSMo, establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be required to be licensed as physician assistants.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement, shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. No physician may be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This information shall not apply to physician assistant agreements of hospital employees providing in-patient care services in hospitals as defined in chapter 197, RSMo.

11. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion failed.

Senator Mathewson moved that the **SS No. 2** for **HB 1600**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS No. 2** for **HB 1600**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Russell	Schneider	Singleton--3	
Absent--Senator Bland--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Sims moved that **SCS** for **SB 834**, with **HS** for **HCS** be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 834**, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 834

An Act to repeal sections 311.070, 311.178, and 311.680, RSMo, and to enact in lieu thereof four new sections relating to liquor control, with an emergency clause for a certain section.

Was taken up.

Senator Sims moved that **HS** for **HCS** for **SCS** for **SB 834** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Caskey	Cauthorn	Foster	Russell--4
Absent--Senator Staples--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Sims, **HS** for **HCS** for **SCS** for **SB 834** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

Caskey	NAYS--Senators	Foster	Russell--4
	Cauthorn		
	Absent--Senators		
Quick		Staples--2	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1270
AND
HOUSE BILL NO. 2032

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, as amended;
2. That the House recede from its position on House Bill No. 1270 and House Bill No. 2032;
3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Morris Westfall /s/ William Gratz

/s/ Bill Foster /s/ Randal Relford

/s/ Betty Sims /s/ Deleta Williams

/s/ Harold Caskey /s/ Ken Legan

/s/ Stephen Stoll /s/ Tom Burcham

Senator Westfall moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Westfall, **CCS No. 2** for **SS** for **SCS** for **HB 1270** and **HB 2032**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1270
AND
HOUSE BILL NO. 2032

An Act to repeal sections 61.021, 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.137, 302.321, 302.720, 304.001, 304.022, 304.027, 304.200, 575.010 and 575.150, RSMo, and to enact in lieu thereof thirty-four new sections relating to motor vehicles, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Foster	Gibbons	Goode	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Gross--1			
Absent--Senators			
Childers	Coleman	Dougherty	Kennedy--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Childers Mathewson--2

Absent with leave--Senator DePasco--1

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Gross moved that **HS** for **HB 1455**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Gross offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 6, Section 71.203, Line 25 of said page, by inserting immediately after the word "city" as it appears the first time on said line the word "**not**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 2, Section 36.353, Lines 6-12 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 6, Section 71.203, Lines 8-25, by striking all of said section from the bill; and further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 10, Section 104.050, Lines 20-22, by deleting all of the underlined words on said lines after the word "months" on line 20.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SS** for **SCS** for **HS** for **HB 1455**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **HS** for **HB 1455**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Rohrbach	Russell--2		
	Absent--Senators		
Cauthorn	Johnson	Staples--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins--27	
	NAYS--Senators		
Rohrbach	Russell	Singleton	Yeckel--4
	Absent--Senators		
Cauthorn	Johnson--2		
	Absent with leave--Senator DePasco--1		

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HB 1748**, as amended, and has taken up and passed **CCS** for **SS** for **HB 1748**.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **SCS** for **HB 1348**, as amended, and has taken up and passed **CCS** for **SS No. 2** for **SCS** for **HB 1348**.

PRIVILEGED MOTIONS

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 1748**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1748

The Conference Committee appointed on Senate Substitute for House Bill No. 1748, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4 as amended, and Senate Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 1748, as amended;
2. That the House recede from its position on House Bill No. 1748;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 1748, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Sarah Steelman /s/ Bill Ransdall

/s/ David Klindt /s/ Randall Relford

/s/ John Cauthorn /s/ Philip Willoughby

/s/ Sidney Johnson /s/ Daniel J. Hegeman

/s/ Harold Caskey /s/ Rex Rector

Senator Steelman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Westfall--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Steelman, **CCS** for **SS** for **HB 1748**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1748

An Act to repeal sections 247.030, 247.031, 247.040, 247.217, 247.220, 393.705, 393.847, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof twenty-one new sections relating to water resources, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Coleman	Mathewson	Schneider	Westfall--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Foster, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SCS** for **HB 1348**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1348

The Conference Committee appointed on Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, with Senate Amendment No. 1 as amended, Senate Amendment No. 2, and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, as amended;
2. That the House recede from its position on House Bill No. 1348;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Bill Foster /s/ Sam Berkowitz

/s/ David Klindt /s/ Frank A. Barnitz

/s/ John Cauthorn /s/ Wes Shoemyer

/s/ Pat Dougherty /s/ Ken Legan

/s/ Maida J. Coleman /s/ Peter Myers

Senator Foster moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Mathewson
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Kinder	Quick	Staples--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Foster, **CCS** for **SS No. 2** for **SCS** for **HB 1348**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1348

An Act to repeal sections 142.028, 254.020, 254.040, 261.110, 261.230, 261.235, 261.239, 263.531, 270.170, 275.464, 311.554, 348.430, 348.432, 407.592, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893 and 414.032, RSMo, and to enact in lieu thereof twenty-seven new sections relating to agriculture, with penalty provisions and a severability clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Jacob	Mathewson	Quick	Staples--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 923, 828, 876, 694 and 736

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 & 736, with House Amendments Nos. 2, 3, 5, 6, 7, 8, 10 and 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 & 736, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos.

923, 828, 876, 694 & 736;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 & 736, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Betty Sims /s/ Joan Barry

/s/ Roseann Bentley /s/ Judy Berkstresser

/s/ Charles R. Gross /s/ Linda Bartelsmeyer

/s/ Pat Dougherty /s/ Rick Johnson

/s/ Sidney Johnson /s/ Toby W. Paone

Senator Sims moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--29			
NAYS--Senators--None			
Absent--Senators			
Coleman	Dougherty	Goode	Yeckel--4
Absent with leave--Senator DePasco--1			

On motion of Senator Sims, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 923, 828, 876, 694 and 736

An Act to repeal sections 28.160, 135.327, 191.227, 191.233, 191.925, 192.016, 210.001, 210.115, 210.145, 210.201, 210.906, 211.031, 211.181, 294.011, 294.024, 294.030, 294.043, 294.060, 294.090, 294.121, 294.141, 452.402, 453.030, 454.606, 454.609, 454.615, 454.618, 454.627 and 454.700, RSMo, and to enact in lieu thereof thirty-two new sections relating to children and families, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Coleman	Dougherty	Goode	Staples--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1650**, with **SCS**, entitled:

An Act to repeal sections 247.040, 393.705, 610.021, 640.620, 644.016, 644.051 and 644.052, RSMo, and to enact in lieu thereof eleven new sections relating to water resources, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HS** for **HCS** for **HB 1650**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1650

An Act to repeal sections 247.040, 250.140, 393.705, 393.847, 610.021, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof eighteen new sections relating to water resources, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **HS** for **HCS** for **HB 1650** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1650, Pages 5-8, Section 249.669, Lines 1-111, by striking all of said section from the bill; and further amend pages 10-14, section 610.021, lines 1-123, by striking said section from the bill; and further amend page 18, section 644.016, lines 4-5, by striking said lines and inserting in lieu thereof the following:

"(1) "Aquaculture facility", a hatchery, fish farm, or other facility used for the production of aquatic animals that is required to have a permit pursuant to the federal Clean Water Act, as amended, 33 U.S.C. 1251, et seq.;"; and

Further amend section 644.051, page 24, line 62, by striking the words ", applicants and public" and inserting in lieu thereof the following: "and applicants"; and further amend said section and page, line 70, by striking "Concerned,"; and further amend page 33, section 644.581, lines 1-7, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1650, Page 10, Section 278.258, Line 39, by inserting after all of said line the following:

"319.129. 1. There is hereby created a special trust fund to be known as the "Petroleum Storage Tank Insurance Fund" within the state treasury which shall be the successor to the underground storage tank insurance fund. Moneys in such special trust fund shall not be deemed to be state funds. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to general revenue at the end of each biennium.

2. The owner or operator of any underground storage tank, including the state of Missouri and its political subdivisions and public transportation systems, in service on August 28, 1989, shall submit to the department a fee of one hundred dollars per tank on or before [December 31, 1989] **May 18, 2001**. The owner or operator of any underground storage tank who seeks to participate in the petroleum storage tank insurance fund, including the state of Missouri and its political subdivisions and public transportation systems, and whose underground storage tank is brought into service after August 28, 1998, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment, and shall be in addition to the payment required by section 319.133. The owner or operator of any aboveground storage tank regulated by this chapter, including the state of Missouri and its political subdivisions and public transportation systems, who seeks to participate in the petroleum storage tank insurance fund, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment and shall be in addition to the payment required by section 319.133. Moneys received pursuant to this section shall be transmitted to the director of revenue for deposit in the petroleum storage tank insurance fund.

3. The state treasurer may deposit moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in a manner and upon the terms as are provided by law relative to state deposits. Interest earned shall be credited to the petroleum storage tank insurance fund.

4. The general administration of the fund and the responsibility for the proper operation of the fund, including all decisions relating to payments from the fund, are hereby vested in a board of trustees. The board of trustees shall consist of the commissioner of administration or the commissioner's designee, the director of the department of natural resources or the director's designee, the director of the department of agriculture or the director's designee, and eight citizens appointed by the governor with the advice and consent of the senate. Three of the appointed members shall be owners or operators of retail petroleum storage tanks, including one tank owner or operator of greater than one hundred tanks; one tank owner or operator of less than one hundred tanks; and one aboveground storage tank owner or operator. One appointed trustee shall represent a financial lending institution, and one appointed trustee shall represent the insurance underwriting industry. One appointed trustee shall represent industrial or commercial users of petroleum.

The two remaining appointed citizens shall have no petroleum-related business interest, and shall represent the nonregulated public at large. The members appointed by the governor shall serve four-year terms except that the governor shall designate two of the original appointees to be appointed for one year, two to be appointed for two years, two to be appointed for three years and two to be appointed for four years. Any vacancies occurring on the board shall be filled in the same manner as provided in this section.

5. The board shall meet in Jefferson City, Missouri, within thirty days following August 28, 1996. Thereafter, the board shall meet upon the written call of the chairman of the board or by the agreement of any six members of the board. Notice of each meeting shall be delivered to all other trustees in person or by registered mail not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

6. Six trustees shall constitute a quorum for the transaction of business, and any official action of the board shall be based on a majority vote of the trustees present.

7. The trustees shall serve without compensation but shall receive from the fund their actual and necessary expenses incurred in the performance of their duties for the board.

8. All staff resources for the Missouri petroleum storage tank insurance fund shall be provided by the department of natural resources or another state agency as otherwise specifically determined by the board. The fund shall compensate the department of natural resources or other state agency for all costs of providing staff required by this subsection. Such compensation shall be made pursuant to contracts negotiated between the board and the department of natural resources or other state agency.

9. In order to carry out the fiduciary management of the fund, the board may select and employ, or may contract with, persons experienced in insurance underwriting, accounting, the servicing of claims and rate making, and legal counsel to defend third-party claims, who shall serve at the board's pleasure. Invoices for such services shall be presented to the board in sufficient detail to allow a thorough review of the costs of such services.

10. At the first meeting of the board, the board shall elect one of its members as chairman. The chairman shall preside over meetings of the board and perform such other duties as shall be required by action of the board.

11. The board shall elect one of its members as vice chairman, and the vice chairman shall perform the duties of the chairman in the absence of the latter or upon the chairman's inability or refusal to act.

12. The board shall determine and prescribe all rules and regulations as they relate to fiduciary management of the fund, pursuant to the purposes of sections 319.100 to 319.137. In no case shall the board have oversight regarding environmental cleanup standards for petroleum storage tanks.

13. No trustee or staff member of the fund shall receive any gain or profit from any moneys or transactions of the fund. This shall not preclude any eligible trustee from making a claim or receiving benefits from the petroleum storage tank insurance fund as provided by sections 319.100 to 319.137.

14. The board may reinsure all or a portion of the fund's liability. Any insurer who sells environmental liability insurance in this state may, at the option of the board, reinsure some portion of the fund's liability.

15. The petroleum storage tank insurance fund shall expire on December 31, 2010, or upon revocation of federal regulation 40 CFR Parts 280 and 285, whichever occurs first, unless extended by action of the general assembly. After December 31, 2010, the board of trustees may continue to function for the sole purpose of completing payment of claims made prior to December 31, 2010.

16. The board shall annually commission an independent financial audit of the petroleum storage tank insurance fund. The board shall biennially commission an actuarial analysis of the petroleum storage tank insurance fund. The results of the financial audit and the actuarial analysis shall be made available to the public. The board may contract with third parties to carry out the requirements of this subsection.

319.131. 1. Any owner or operator of one or more petroleum storage tanks may elect to participate in the petroleum storage tank insurance fund to partially meet the financial responsibility requirements of sections 319.100 to 319.137. Subject to regulations of the board of trustees, owners or operators may elect to continue their participation in the fund subsequent to the transfer of their property to another party. Current or former refinery sites or petroleum pipeline or marine terminals are not eligible for participation in the fund.

2. The board shall establish an advisory committee which shall be composed of insurers and owners and operators of petroleum storage tanks. The advisory committee established pursuant to this subsection shall report to the board. The committee shall monitor the fund and recommend statutory and administrative changes as may be necessary to assure efficient operation of the fund. The committee, in consultation with the board and the department of insurance, shall annually report to the general assembly on the availability and affordability of the private insurance market as a viable method of meeting the financial responsibilities required by state and federal law in lieu of the petroleum storage tank insurance fund.

3. (1) Except as otherwise provided by this section, any person seeking to participate in the insurance fund shall submit an application to the board of trustees and shall certify that the petroleum tanks meet or exceed and are in compliance with all technical standards established by the United States Environmental Protection Agency, except those standards and regulations pertaining to spill prevention control and counter-measure plans, and rules established by the Missouri department of natural resources and the Missouri department of agriculture. The applicant shall submit proof that the applicant has a reasonable assurance of the tank's integrity. Proof of tank integrity may include but not be limited to any one of the following: tank tightness test, electronic leak detection, monitoring wells, daily inventory reconciliation, vapor test or any other test that may be approved by the director of the department of natural resources or the director of the department of agriculture. The applicant shall submit evidence that the applicant can meet all applicable financial responsibility requirements of this section.

(2) A creditor, specifically a person who, without participating in and not otherwise primarily engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily for the purpose of, or in connection with, securing payment or performance of a loan or to protect a security interest in or lien on the tank or the property where the tank is located, or serves as trustee or fiduciary upon transfer or receipt of the property, may be a successor in interest to a debtor pursuant to this section, provided that the creditor gives notice of the interest to the insurance fund by certified mail, return receipt requested. Part of such notice shall include a copy of the lien, including but not limited to a security agreement or a deed of trust as appropriate to the property. The term "successor in interest" as provided in this section means a creditor to the debtor who had qualified real property in the insurance fund prior to the transfer of title to the creditor, and the term is limited to access to the insurance fund. The creditor may cure any of the debtor's defaults in payments required by the insurance fund, provided the specific real property originally qualified pursuant to this section. The creditor, or the creditor's subsidiary or affiliate, who forecloses or otherwise obtains legal title to such specific real property held as collateral for loans, guarantees or other credit, and which includes the debtor's aboveground storage tanks or underground storage tanks, or both such tanks shall provide notice to the fund of any transfer of creditor to subsidiary or affiliate. Liability pursuant to sections 319.100 to 319.137 shall be confined to such creditor or such creditor's subsidiary or affiliate. A creditor shall apply for a transfer of coverage and shall present evidence indicating a lien, contractual right, or operation of law permitting such transfer, and may utilize the creditor's affiliate or subsidiary to hold legal title to the specific real property taken in satisfaction of debts. Creditors may be listed as insured or additional insured on the insurance fund, and not merely as mortgagees, and may assign or otherwise transfer the debtor's rights in the insurance fund to the creditor's affiliate or subsidiary, notwithstanding any limitations in the insurance fund on assignments or transfer of the debtor's rights.

(3) Any person participating in the fund shall annually submit an amount established pursuant to subsection 1 of section 319.133 which shall be deposited to the credit of the petroleum storage tank insurance fund.

4. Any person making a claim pursuant to this section and sections 319.129 and 319.133 shall be liable for the first ten thousand dollars of the cost of cleanup associated with a release from a petroleum storage tank without reimbursement from the fund. The petroleum storage tank insurance fund shall assume all costs, except as provided in subsection 5 of this section, which are greater than ten thousand dollars but less than one million dollars per occurrence or two million dollars aggregate per year. The liability of the petroleum storage tank insurance fund is not the liability of the state of

Missouri. The provisions of sections 319.100 to 319.137 shall not be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, RSMo, nor to abolish or waive any defense which might otherwise be available to the state or to any person. The presence of existing contamination at a site where a person is seeking insurance in accordance with this section shall not affect that person's ability to participate in this program, provided the person meets all other requirements of this section. Any person who qualifies pursuant to sections 319.100 to 319.137 and who has requested approval of a project for remediation from the fund, which request has not yet been decided upon shall annually be sent a status report including an estimate of when the project may expect to be funded and other pertinent information regarding the request.

5. **In addition to the coverage set forth in subsection 4**, the fund shall provide coverage for third-party claims involving property damage or bodily injury caused by leaking petroleum storage tanks whose owner or operator is participating in the fund at the time the release occurs or is discovered. Coverage for third-party bodily injury shall not exceed one million dollars per occurrence. Coverage for third-party property damage shall not exceed one million dollars per occurrence. The fund shall not compensate an owner or operator for repair of damages to property beyond that required to contain and clean up a release of a regulated substance or compensate an owner or operator or any third party for loss or damage to other property owned or belonging to the owner or operator, or for any loss or damage of an intangible nature, including, but not limited to, loss or interruption of business, pain and suffering of any person, lost income, mental distress, loss of use of any benefit, or punitive damages.

6. The fund shall, within limits specified in this section, assume costs of third-party claims and cleanup of contamination caused by releases from petroleum storage tanks. The fund shall provide the defense of eligible third-party claims including the negotiations of any settlement.

7. Nothing contained in sections 319.100 to 319.137 shall be construed to abrogate or limit any right, remedy, causes of action, or claim by any person sustaining personal injury or property damage as a result of any release from any type of petroleum storage tank, nor shall anything contained in sections 319.100 to 319.137 be construed to abrogate or limit any liability of any person in any way responsible for any release from a petroleum storage tank or any damages for personal injury or property damages caused by such a release.

8. (1) The fund shall provide moneys for cleanup of contamination caused by releases from petroleum storage tanks, the owner or operator of which is participating in the fund or the owner or operator of which has made application for participation in the fund by [December 31, 1997] **May 18, 2001**, regardless of when such release occurred, provided that those persons who have made application are ultimately accepted into the fund. Applicants shall not be eligible for fund benefits until they are accepted into the fund. This section shall not preclude the owner or operator of petroleum storage tanks coming into service after [December 31, 1997] **May 18, 2001**, from making application to and participating in the petroleum storage tank insurance fund.

(2) Notwithstanding the provisions of section 319.100 and the provisions of subdivision (1) of this section, the fund shall provide moneys for cleanup of contamination caused by releases from petroleum storage tanks owned by school districts all or part of which are located in a county of the third classification without a township form of government and having a population of more than ten thousand seven hundred but less than eleven thousand inhabitants, and which make application for participation in the fund by August 28, 1999, regardless of when such release occurred. Applicants shall not be eligible for fund benefits until they are accepted into the fund, and costs incurred prior to that date shall not be eligible expenses.

9. (1) The fund shall provide moneys for cleanup of contamination caused by releases from underground storage tanks which contained petroleum and which have been taken out of use prior to [December 31, 1997] **May 18, 2001**, provided such sites have been documented by or reported to the department of natural resources prior to [December 31, 1997] **May 18, 2001**, and provided further that the fund shall make no reimbursements for expenses incurred prior to August 28, 1995. The fund shall also provide moneys for cleanup of contamination caused by releases from underground storage tanks which contained petroleum and which have been taken out of use prior to December 31, 1985, if the current owner of the real property where the tanks are located purchased such property before December 31, 1985, provided such sites are reported to the fund on or before June 30, 2000. The fund shall make no payment for expenses incurred at such sites prior to August 28, 1999. Nothing in sections 319.100 to 319.137 shall affect the

validity of any underground storage tank fund insurance policy in effect on August 28, 1996.

(2) An owner or operator who submits a request as provided in this subsection is not required to bid the costs and expenses associated with professional environmental engineering services. The board may disapprove all or part of the costs and expenses associated with the environmental engineering services if the costs are excessive based upon comparable service costs or current market value of similar services. The owner or operator shall solicit bids for actual remediation and cleanup work as provided by rules of the board.

10. The fund shall provide moneys for cleanup of contamination caused by releases from aboveground storage tanks utilized for the sale of products regulated by chapter 414, RSMo, which have been taken out of use prior to [December 31, 1997] **May 18, 2001**, provided such sites have been documented by or reported to the department of natural resources prior to [December 31, 1997] **May 18, 2001**, and provided further that the fund shall make no reimbursements for expenses incurred prior to July 1, 1997."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Steelman moved that **SCS** for **HS** for **HCS** for **HB 1650**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **HS** for **HCS** for **HB 1650**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Cauthorn	Dougherty	Gibbons
Goode	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Sims	Steelman	Stoll
Wiggins	Yeckel--18		
NAYS--Senators			
Bland	Caskey	Childers	Foster
House	Jacob	Johnson	Kennedy
Russell	Singleton	Staples	Westfall--12
Absent--Senators			
Coleman	Mathewson	Schneider--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Jacob moved that **SS No. 2** for **SB 1191**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS No. 2** for **SB 1191**, as amended, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 1191

An Act to repeal section 8.010, RSMo, and to enact in lieu thereof twenty-five new sections relating to the tobacco settlement financing authority act, with an emergency clause.

Was taken up.

Senator Jacob moved that **HS** for **HCS** for **SS No. 2** for **SB 1191**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Gibbons	Goode
House	Jacob	Johnson	Kennedy
Kenney	Klindt	Mathewson	Quick
Sims	Staples	Steelman	Stoll
Wiggins	Yeckel--22		
	NAYS--Senators		
Foster	Gross	Loudon	Rohrbach
Singleton--5			
	Absent--Senators		
Dougherty	Kinder	Klarich	Russell
Schneider	Westfall--6		
	Absent with leave--Senator DePasco--1		

On motion of Senator Jacob, **HS** for **HCS** for **SS No. 2** for **SB 1191**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Gibbons	Goode
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klindt	Mathewson
Quick	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators		
Foster	Gross	Loudon	Rohrbach
Singleton--5			
	Absent--Senators		
Childers	Klarich	Russell--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators		
Foster	Gross	Loudon	Rohrbach
Singleton--5			
	Absent--Senators		
Russell	Schneider--2		
	Absent with leave--Senator DePasco--1		

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Klarich moved that **HS** for **HCS** for **HB 1756**, with **SS**, **SS** for **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

At the request of Senator Gibbons, the above amendment was withdrawn.

SA 1 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

SS for **SS** for **HS** for **HCS** for **HB 1756** was again taken up.

At the request of Senator House, **SS** for **SS** for **HS** for **HCS** for **HB 1756** was withdrawn.

SS for **HS** for **HCS** for **HB 1756** was again taken up.

At the request of Senator Klarich, **SS** for **HS** for **HCS** for **HB 1756** was withdrawn.

HS for **HCS** for **HB 1756** was again taken up.

On motion of Senator Klarich, **HS** for **HCS** for **HB 1756** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Russell	Sims	Singleton	Staples

Steelman	Stoll	Westfall	Wiggins--28
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Mathewson	Quick	Schneider	Yeckel--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to concur in **HS** for **HCS** for **SB 856**, as amended, and request the House to recede from its position and take up and pass **SB 856**, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1953**, as amended. Representatives: VanZandt, Campbell, Wilson (25), Cierpiot, Phillips.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1953**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1953**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended. Representatives: Hoppe, O'Connor, Holt, Dolan, Griesheimer.

HOUSE BILLS ON THIRD READING

HB 1406, with **SCS**, introduced by Representative Barnett, entitled:

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to the board of regents of Northwest Missouri State University.

Was called from the Informal Calendar and taken up by Senator Klindt.

SCS for **HB 1406**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1406

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to the board of regents of Northwest

Missouri State University.

Was taken up.

Senator Klindt moved that **SCS** for **HB 1406** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HB 1406** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Gross	Jacob	Mathewson	Russell
Schneider--5			
Absent with leave--Senator DePasco-- 1			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Singleton, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1953**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1953

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1953, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1953, as amended;
2. That the House recede from its position on House Bill No. 1953;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1953, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Marvin Singleton /s/ Tim VanZandt

/s/ Betty Sims /s/ Marsha Campbell

/s/ Sarah Steelman /s/ Vicky Riback Wilson

/s/ Mary Groves Bland /s/ Connie Cierpiot

/s/ Harry Wiggins /s/ Susan Phillips

Senator Singleton moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Klarich
Loudon	Mathewson	Rohrbach	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Johnson	Kinder	Klindt	Quick
Russell	Schneider--6		
Absent with leave--Senator DePasco--1			

On motion of Senator Singleton, **CCS** for **SCS** for **HB 1953**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO.
1953

An Act to repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 197.272, 197.450, 344.060, and 701.302, RSMo, and to enact in lieu thereof nine new sections relating to various advisory offices of the department of health and senior services.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Dougherty	Kinder	Quick	Russell
Schneider--5			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1107

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, with House Amendments Nos. 1, 2, 3, 4, 7, 8, 9, 10 and 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, as amended;
2. That the House recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, as amended by Conference Committee Amendment No. 1, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Doyle Childers /s/ Thomas Hoppe

/s/ Ed Quick /s/ Patrick J. O'Connor

/s/ Michael R. Gibbons /s/ Bruce Holt

/s/ Charles Gross /s/ Jon Dolan

/s/ Stephen Stoll /s/ John E. Griesheimer

CONFERENCE COMMITTEE AMENDMENT

NO. 1

Amend Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 7, Line 15, by inserting a "1" after the "99.847" on

said page; and

Further amend Page 7, Line 28, by inserting after said line:

"2. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants.

3. This subsection shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects including redevelopment project costs by not more than forty percent of such project original projected cost including redevelopment project costs as such projects including redevelopment project costs as such projects redevelopment projects including redevelopment project costs existed as of June 30, 2003, and shall allow the aforementioned tax increment financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003."

Senator Childers moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Mathewson
Quick	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Kinder	Rohrbach	Singleton--3	
	Absent--Senators		
Russell	Schneider--2		
	Absent with leave--Senator DePasco--1		

On motion of Senator Childers, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1107

An Act to repeal sections 87.207, 87.235, 99.847, 190.044, 190.050, 190.092, 190.094, 190.100, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 321.130 and 321.180, RSMo, and to enact in lieu thereof forty-four new sections relating to emergency services, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Mathewson
Quick	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators

Kinder	Rohrbach	Singleton--3
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Absent--Senators

Russell	Schneider--2
Absent with leave--Senator DePasco--1	

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1689**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1717**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1717, Page 23, Section B, Line 2, by striking the numeral "2002" and inserting in lieu thereof the numeral "2004".

HOUSE BILLS ON THIRD READING

HCS for **HB 1689**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1717**, with **SCS** and **SCA 1**, entitled:

An Act to repeal sections 197.305, 197.310, 197.311, 197.315, 197.317, 197.326, and 197.366, RSMo, and to enact in lieu thereof thirteen new sections relating to the certificate of need program of the department of health and senior services.

Was taken up by Senator Gibbons.

SCS for **HCS** for **HB 1717**, with **SCA 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1717

An Act to repeal sections 197.305, 197.310, 197.311, 197.315, 197.317, 197.326, 197.366 and 430.225, RSMo, relating to the certificate of need program of the department of health and senior services, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, and has taken up and passed **CCS** for **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2**, as amended, for **HB 1600** and has taken up and passed **SS No. 2** for **HB 1600**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 2137** and has taken up and passed **SCS** for **HB 2137**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1406** and has taken up and passed **SCS** for **HB 1406**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HS** for **HB 1455** and has taken up and passed **SS** for **SCS** for **HS** for **HB 1455**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 1634** and has taken up and passed **SCS** for **HB 1634**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 1086** and **1126** and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 1086** and **1126**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS No. 2** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended, and has taken up and passed **CCS** for **HS No. 2** for **SS** for **SCS** for **SBs 969, 673 and 855**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House receded from **HS** for **HCS**, as amended, to **SB 856**, and has taken up and truly agreed to and finally passed **SB 856**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 1107** and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended by Conference Committee Amendment No. 1.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SCS** for **SBs 915, 710 and 907**, as amended, and has taken up and passed **CCS** for **HS** for **SCS** for **SBs 915, 710 and 907**.

Bill ordered enrolled.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

May 17, 2002

The Honorable Bob Holden

Governor of Missouri

State Capitol, Room 216

Jefferson City, MO 65101

RE: Appointment to the Missouri State Employees Retirement System Board of Trustees

Dear Governor Holden:

Pursuant to Section 104.450 (RSMo 2000), I am appointing Senator Ed Quick (Democrat), State Capitol, Room 331A, Jefferson City, Missouri 65101 to serve on the Missouri State Employees

Retirement System Board of Trustees. Ed will be an excellent representative for all state employees on this board.

If you have any questions or require any further information, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jerry Kennett, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 1:00 p.m., Tuesday, May 28, 2002.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-SIXTH DAY--TUESDAY, MAY 28, 2002

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

RESOLUTIONS

On behalf of Senator Loudon, Senator Kenney offered Senate Resolution No. 1813, regarding the Lambert Airport Rotary Club, which was adopted.

On behalf of Senator Stoll, Senator Kenney offered Senate Resolution No. 1814, regarding Carl Michael Banks, Pevely, which was adopted.

On behalf of Senator Stoll, Senator Kenney offered Senate Resolution No. 1815, regarding Kevin Stamps, Pevely, which was adopted.

On behalf of Senator Stoll, Senator Kenney offered Senate Resolution No. 1816, regarding Jacob "Jake" Stansfield, Festus, which was adopted.

On behalf of Senator Cauthorn, Senator Kenney offered Senate Resolution No. 1817, regarding Keith Curtis Kirchner, Mexico, which was adopted.

On behalf of Senator Westfall, Senator Kenney offered Senate Resolution No. 1818, regarding the Fair Play Chapter of the Future Farmers of America, Fair Play, which was adopted.

On behalf of Senator Westfall, Senator Kenney offered Senate Resolution No. 1819, regarding the Halfway Future Farmers of America Dairy Foods Team, Halfway, which was adopted.

On behalf of Senator Westfall, Senator Kenney offered Senate Resolution No. 1820, regarding the Halfway Future Farmers of America Soils Team, Halfway, which was adopted.

On behalf of Senator Westfall, Senator Kenney offered Senate Resolution No. 1821, regarding the Stockton Future Farmers of America Agronomy Team, Stockton, which was adopted.

On behalf of Senator Westfall, Senator Kenney offered Senate Resolution No. 1822, regarding the Stockton Future Farmers of America Parliamentary Procedure Team, Stockton, which was adopted.

On behalf of Senator Schneider, Senator Kenney offered Senate Resolution No. 1823, regarding Colleen Mackin, St. Louis, which was adopted.

On behalf of Senator Schneider, Senator Kenney offered Senate Resolution No. 1824, regarding Carolyn Lamb, Hazelwood, which was adopted.

On behalf of Senator Yeckel, Senator Kenney offered Senate Resolution No. 1825, regarding Christopher Benjamin, Harrisonville, which was adopted.

On behalf of Senator Coleman, Senator Kenney offered Senate Resolution No. 1826, regarding Gloria Jordan, St. Louis, which was adopted.

On behalf of Senator House, Senator Kenney offered Senate Resolution No. 1827, regarding Katey Walls, St. Charles, which was adopted.

On behalf of Senator House, Senator Kenney offered Senate Resolution No. 1828, regarding Lindsey Porlier, St. Charles, which was adopted.

On behalf of Senator Bland, Senator Kenney offered Senate Resolution No. 1829, regarding the death of Edith Lorraine Wilson Moore, Los Angeles, California, which was adopted.

On behalf of Senator Coleman, Senator Kenney offered Senate Resolution No. 1830, regarding Dr. Charles R. Brown, St. Louis, which was adopted.

On behalf of Senator Wiggins, Senator Kenney offered Senate Resolution No. 1831, regarding JoAnn M. Highland, Grandview, which was adopted.

On behalf of Senator Steelman, Senator Kenney offered Senate Resolution No. 1832, regarding Patsy Jean Nilges, Linn, which was adopted.

On behalf of Senator Steelman, Senator Kenney offered Senate Resolution No. 1833, regarding Delores F. "Dee" Watson, Dixon, which was adopted.

On behalf of Senator DePasco, Senator Kenney offered Senate Resolution No. 1834, regarding the Harvey A. Jones Engineering Company, Independence, which was adopted.

On behalf of Senator Steelman, Senator Kenney offered Senate Resolution No. 1835, regarding Carl F. Sitze, Holts Summit, which was adopted.

On behalf of Senators Rohrbach, Westfall and Russell, Senator Kenney offered Senate Resolution No. 1836, regarding the death of Freda Hammond, Weaubleau, which was adopted.

On behalf of Senator Rohrbach, Senator Kenney offered Senate Resolution No. 1837, regarding the Cole County Fire Protection District and the Jefferson City Fire Department, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 639; SB 644; SCS for SB 656; HS for HCS for SS for SCS for SB 675; HCS for SB 695; SB 701; SB 708; CCS for HS for HCS for SCS for SB 712; HCS for SB 714; HCS for SB 718; SB 720; HS for HCS for SCS for SB 722; SB 726; SCS for SB 729; HCS for SCS for SB 737; SB 742; SCS for SB 745; HCS for SB 749; CCS for HCS for SB 758; HCS for SCS for SB 776; HCS for SB 786; CCS No. 2 for HCS for SB 795; SB 798; SCS for SB 804; HS for HCS for SCS for SB 810; SB 812; SB 831; HS for HCS for SCS for SB 834; HCS for SS for SCS for SB 840; SB 856; SB 859; SB 865; SCS for SB 874; SS for SCS for SB 884; SB 891; HCS for SCS for SB 892; CCS for HS for HCS for SB 895; CCS for HS for SCS for SBs 915, 710 and 907; SCS for SB 918; CCS for HS for HCS for SS for SCS for SBs 923,**

828, 876, 694 and 736; HCS for SB 932; SB 941; HCS for SCS for SB 947; HCS for SB 950; HCS for SCS for SB 957; SS for SCS for SB 959; HCS for SCS for SB 960; HCS for SB 961; HCS for SB 962; SCS for SB 966; SCS for SB 967; CCS for HS No. 2 for HCS for SS for SCS for SBs 969, 673 and 855; SB 974; SB 976; HCS for SCS for SB 980; CCS for HS for SS No. 2 for SCS for SBs 984 and 985; HCS for SB 992; SCS for SB 997; SB 1001; HCS for SS for SCS for SB 1009; SB 1011; HCS for SB 1012; SCS for SB 1015; SCS for SB 1024; CCS for HS for SCS for SB 1026; SB 1028; HS for HCS for SB 1039; SB 1041; SB 1048; HCS for SCS for SB 1070; SCS for SB 1071; HCS for SB 1078; CCS for HCS for SCS for SBs 1086 and 1126; HCS for SCS for SB 1093; HCS for SB 1094; HCS for SB 1102; CCS for HS for HCS for SS for SCS for SB 1107; SB 1109; HCS for SCS for SB 1113; HCS for SB 1119; SB 1124; SCS for SB 1132; SB 1143; SCS for SB 1151; SCS for SB 1163; SB 1168; SCS for SB 1182; HS for HCS for SS No. 2 for SB 1191; SB 1199; CCS for HCS for SCS for SB 1202; SCS for SB 1207; HCS for SCS for SB 1210; HCS for SB 1213; SB 1217; SCS for SBs 1241, 1253 and 1189; SB 1243; HCS for SB 1244; SB 1247; CCS for HS for HCS for SS for SB 1248; SCS for SB 1266; and HCS for SJR 24, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for HS for SCS for SBs 915, 710 and 907; SB 639; SB 644; SCS for SB 656; HS for HCS for SS for SCS for SB 675; HCS for SB 695; SB 701; SB 708; CCS for HS for HCS for SCS for SB 712; HCS for SB 714; HCS for SB 718; SB 720; HS for HCS for SCS for SB 722; SB 726; SCS for SB 729; HCS for SCS for SB 737; SB 742; SCS for SB 745; HCS for SB 749; CCS for HCS for SB 758; HCS for SCS for SB 776; HCS for SB 786; SB 798; SCS for SB 804; HS for HCS for SCS for SB 810; SB 812; SB 831; HS for HCS for SCS for SB 834; HCS for SS for SCS for SB 840; SB 856; SB 859; SB 865; SCS for SB 874; SS for SCS for SB 884; SB 891; HCS for SCS for SB 892; CCS for HS for HCS for SB 895; SCS for SB 918; CCS for HS for HCS for SS for SCS for SBs 923, 828, 876, 694 and 736; HCS for SB 932; SB 941; HCS for SCS for SB 947; HCS for SB 950; HCS for SCS for SB 957; SS for SCS for SB 959; HCS for SCS for SB 960; HCS for SB 961; HCS for SB 962; SCS for SB 966; SCS for SB 967; CCS for HS No. 2 for HCS for SS for SCS for SBs 969, 673 and 855; SB 974; SB 976; HCS for SCS for SB 980; CCS for HS for SS No. 2 for SCS for SBs 984 and 985; HCS for SB 992; SCS for SB 997; SB 1001; HCS for SS for SCS for SB 1009; SB 1011; HCS for SB 1012; SCS for SB 1015; SCS for SB 1024; CCS for HS for SCS for SB 1026; SB 1028; HS for HCS for SB 1039; SB 1041; SB 1048; HCS for SCS for SB 1070; SCS for SB 1071; HCS for SB 1078; CCS for HCS for SCS for SBs 1086 and 1126; HCS for SCS for SB 1093; HCS for SB 1094; HCS for SB 1102; SB 1109; HCS for SCS for SB 1113; HCS for SB 1119; SB 1124; SCS for SB 1132; SB 1143; SCS for SB 1151; SCS for SB 1163; SB 1168; SCS for SB 1182; HS for HCS for SS No. 2 for SB 1191; SB 1199; CCS for HCS for SCS for SB 1202; SCS for SB 1207; HCS for SCS for SB 1210; HCS for SB 1213; SB 1217; SCS for SBs 1241, 1253 and 1189; SB 1243; HCS for SB 1244; SB 1247; CCS for HS for HCS for SS for SB 1248; SCS for SB 1266; and HCS for SJR 24, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.**

BILLS DELIVERED TO THE

SECRETARY OF STATE

CCS for HS for SCS for SBs 915, 710 and 907; and HCS for SJR 24, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Secretary of State by the Secretary of the Senate.

OBJECTIONS

Senator Singleton offered the following constitutional objection:

May 16, 2002

Mrs. Terry Spieler

Secretary of the Senate

Missouri Senate

State Capitol

Jefferson City, MO 65101

RE: Conference Committee Report #2 on HCS/SB795

Dear Madam Secretary:

This is to notify you and others that I hereby am filing a constitutional objection to said bill for the following reasons:

1. The underlying bill dealt only with "emergency communication systems". It continued to have that same theme and content through its process until it got to the conference committee where the "Boiler and Pressure Vessel Board" was added to the bill. There is a Hammerschmidt problem in that the conference committee substitute #2 went beyond the intent and content of the underlying bill dealing only with "emergency communication systems". I would suggest that Section 650.277 is not germane and is in excess to the bill.
2. The second objection is based on the fact that the conference committee exceeded the differences without permission in adopting the conference committee report #2. It was not until the conference committee #2 was before the Senate that the sponsor, Senator John D. Schneider, made the motion to exceed the difference and adopt the conference committee report.

Thank you in advance for registering this constitutional objection on the above points.

Sincerely,

/s/ Marvin Singleton

Marvin A. Singleton, M.D.

State Senator, 32nd District

Senator Rohrbach offered the following constitutional objection:

May 24, 2002

The Honorable Peter Kinder

Senate President Pro Tempore

State Capitol, Room 326

Jefferson City, MO 65101

RE: Constitutional Objection to Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, as amended.

I hereby raise a formal constitutional objection pursuant to Article III, Section 30 of the Constitution of Missouri to the signing of Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, as amended, based on the following:

Article III, Section 20(a) of the Constitution of Missouri provides that "All bills in either house remaining on the calendar after 6:00 p.m. on the first Friday following the second Monday in May are tabled". Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, as amended, violates Article III, Section 20(a) because the bill was still on the House calendar at 6:00 p.m., Friday, May 17, 2002. As shown by the attached computer-generated printouts of floor action by the House of Representatives (which do not reveal the bill number but which are supported by roll call votes on pages 2377 to 2381 of the Journal of the House for Friday, May 17, 2002), the motion to suspend Rule 60(c) was not made and adopted until 6:08 p.m., the Conference Committee Report was not taken up and adopted until 6:09 p.m., and the Conference Committee Substitute, as amended, was not Truly Agreed and Finally Passed until 6:09 p.m., all past the time deadline established by the Constitution of Missouri.

The Supreme Court of Missouri has recognized the existence of the constitutionally imposed deadline, stating that "legislation cannot be changed during the enrolling period, if the period for considering bills specified in section 20 has expired", and that even "[t]he absence of any objection at the signing stage does not convert into legislation a law which the legislature had no power to enact". *State ex rel. Aschroft v. Blunt*, 696 S.W.2d 329, 331 (Mo.banc 1985).

Sincerely,

/s/ Larry Rohrbach

State Senator

District 6

The roll calls referred to in the above objection are on file in the Secretary of Senate's office.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS No. 2** for **HCS** for **SB 795**; and **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, having passed both branches of the General Assembly, would be read at length by the Secretary, and signed by the President Pro Tem to the end that they may become law. The bills were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT

RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SCR 47**; **SCR 58** and **SCR 74** would be read at length by the Secretary and, if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were read by the Secretary and signed by the President Pro Tem.

CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR

SCS for **SCR 47**; **SCR 58** and **SCR 74**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

BILLS DELIVERED TO THE GOVERNOR

SB 639; **SB 644**; **SCS** for **SB 656**; **HS** for **HCS** for **SS** for **SCS** for **SB 675**; **HCS** for **SB 695**; **SB 701**; **SB 708**; **CCS** for **HS** for **HCS** for **SCS** for **SB 712**; **HCS** for **SB 714**; **HCS** for **SB 718**; **SB 720**; **HS** for **HCS** for **SCS** for **SB 722**; **SB 726**; **SCS** for **SB 729**; **HCS** for **SCS** for **SB 737**; **SB 742**; **SCS** for **SB 745**; **HCS** for **SB 749**; **CCS** for **HCS** for **SB 758**; **HCS** for **SCS** for **SB 776**; **HCS** for **SB 786**; **CCS No. 2** for **HCS** for **SB 795**; **SB 798**; **SCS** for **SB 804**; **HS** for **HCS** for **SCS** for **SB 810**; **SB 812**; **SB 831**; **HS** for **HCS** for **SCS** for **SB 834**; **HCS** for **SS** for **SCS** for **SB 840**; **SB 856**; **SB 859**; **SB 865**; **SCS** for **SB 874**; **SS** for **SCS** for **SB 884**; **SB 891**; **HCS** for **SCS** for **SB 892**; **CCS** for **HS** for **HCS** for **SB 895**; **SCS** for **SB 918**; **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**; **HCS** for **SB 932**; **SB 941**; **HCS** for **SCS** for **SB 947**; **HCS** for **SB 950**; **HCS** for **SCS** for **SB 957**; **SS** for **SCS** for **SB 959**; **HCS** for **SCS** for **SB 960**; **HCS** for **SB 961**; **HCS** for **SB 962**; **SCS** for **SB 966**; **SCS** for **SB 967**; **CCS** for **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**; **SB 974**; **SB 976**; **HCS** for **SCS** for **SB 980**; **CCS** for **HS** for **SS No. 2** for **SCS** for **SBs 984 and 985**; **HCS** for **SB 992**; **SCS** for **SB 997**; **SB 1001**; **HCS** for **SS** for **SCS** for **SB 1009**; **SB 1011**; **HCS** for **SB 1012**; **SCS** for **SB 1015**; **SCS** for **SB 1024**; **CCS** for **HS** for **SCS** for **SB 1026**; **SB 1028**; **HS** for **HCS** for **SB 1039**; **SB 1041**; **SB 1048**; **HCS** for **SCS** for **SB 1070**; **SCS** for **SB 1071**; **HCS** for **SB 1078**; **CCS** for **HCS** for **SCS** for **SBs 1086 and 1126**; **HCS** for **SCS** for **SB 1093**; **HCS** for **SB 1094**; **HCS** for **SB 1102**; **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1107**; **SB 1109**; **HCS** for **SCS** for **SB 1113**; **HCS** for **SB 1119**; **SB 1124**; **SCS** for **SB 1132**; **SB 1143**; **SCS** for **SB 1151**; **SCS** for **SB 1163**; **SB 1168**; **SCS** for **SB 1182**; **HS** for **HCS** for **SS No. 2** for **SB 1191**; **SB 1199**; **CCS** for **HCS** for **SCS** for **SB 1202**; **SCS** for **SB 1207**; **HCS** for **SCS** for **SB 1210**; **HCS** for **SB 1213**;

SB 1217; SCS for SBs 1241, 1253 and 1189; SB 1243; HCS for SB 1244; SB 1247; CCS for HS for HCS for SS for SB 1248; and SCS for SB 1266, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS for SCS for HB 1196; HB 1032; HB 1075; SCS for HB 1078; HB 1086; SCS for HBs 1093, 1094, 1159, 1204, 1242, 1272, 1391, 1397, 1411, 1624, 1632, 1714, 1755, 1778, 1779, 1852, 1862, 2025 and 2123; CCS for SCS for HCS for HB 1101; CCS for SCS for HCS for HB 1102; CCS for SCS for HCS for HB 1103; CCS for SCS for HCS for HB 1104; CCS for SCS for HCS for HB 1105; CCS for SCS for HCS for HB 1106; CCS for SCS for HCS for HB 1107; CCS for SCS for HCS for HB 1108; CCS for SCS for HCS for HB 1109; CCS for SCS for HCS for HB 1110; CCS for SCS for HCS for HB 1111; CCS for SCS for HCS for HB 1112; HCS for HB 1120; SCS for HB 1121; SCS for HBs 1141, 1400, 1645, 1745 and 2026; HB 1148; SS for SCS for HCS for HBs 1150, 1237 and 1327; HB 1151; SCS for HBs 1205, 1214, 1314, 1320, 1504, 1788, 1867 and 1969; SCS for HB 1265; CCS No. 2 for SS for SCS for HB 1270 and HB 2032; HB 1342; CCS for SS No. 2 for SCS for HB 1348; HB 1375; SCS for HB 1381; HCS for HB 1398; HS for HB 1399; CCS for SCS for HB 1402; SS for SCS for HCS for HB 1403; SCS for HB 1406; SS for SCS for HCS for HB 1443; SS for SCS for HS for HB 1455; SCS for HB 1468; SCS for HB 1473; SCS for HB 1477; SCS for HB 1492; SCS for HB 1495; SS for SCS for HS for HCS for HBs 1502 and 1821; SCS for HB 1508; HB 1515; HB 1518; HB 1519; SCS for HS for HCS for HB 1532; SCS for HB 1537; SCS for HB 1548; SCS for HB 1568; HB 1580; SS No. 2 for HB 1600; SCS for HB 1634; SCS for HB 1635; SCS for HB 1636; HB 1659; HB 1668; HB 1674; CCS for HCS for HB 1711; HB 1715; CCS for SS for HB 1748; HS for HCS for HB 1756; HB 1768; SCS for HB 1773; SCS for HB 1776; HB 1781; SCS for HB 1783; SCS for HB 1789; SCS for HB 1811; HB 1812; HB 1814; HB 1822; HB 1838; HB 1839; HB 1840; SCS for HB 1846; SCS for HB 1849; HB 1861; SS for SCS for HCS for HB 1888; SCS for HB 1890; HB 1895; SCS for HB 1921; HB 1926; HB 1937; CCS for SCS for HB 1953; SCS for HB 1964; HB 1973; HB 1982; HB 1988; HB 2001; HB 2002; SS for SCS for HB 2008; SCS for HB 2009; HB 2018; SCS for HB 2022; HB 2039; SCS for HB 2047; HB 2062; HB 2064; HB 2078; SCS for HB 2080; HB 2117; CCS for SCS for HB 2120; HB 2130; SCS for HB 2137; and SS for SCS for HCS for HJR 47**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Goode offered the following constitutional objection:

May 24, 2002

The Honorable Peter Kinder

Senate President Pro Tempore

State Capitol, Room 326

Jefferson City, MO 65101

RE: Constitutional Objection to Senate Substitute for Senate Committee Substitute for House Bill No. 1041

The purpose of this letter is to raise a formal constitutional objection pursuant to Senate Rule 67 that Senate Substitute for Senate Committee Substitute for House Bill No. 1041 is in violation of Article III, Section 36, Article IV, Section 28, and Article III, Section 21, Constitution of Missouri based on the following:

1) Article III, Section 36 of the Constitution of Missouri provides that "All revenue collected and money received by the state shall go into the treasury and the general assembly shall have no power to divert the same or to permit the withdrawal of money from the treasury, except in pursuance of appropriations made by law." Senate Substitute for Senate Committee Substitute for House Bill No. 1041, and specifically section 620.467, RSMo, constitutes an unlawful delegation of legislative authority to permit the withdrawal or transfer of an unspecified amount of general revenue to the Division of Tourism Supplemental Revenue Fund outside the appropriations process;

2) Senate Substitute for Senate Committee Substitute for House Bill No. 1041, and specifically section 620.467, RSMo, further constitutes an unlawful delegation of legislative authority by allowing the state treasurer, the Office of Administration, or any other administrative agency to accomplish the withdrawal or transfer of an unspecified amount of general revenue to the Division of Tourism Supplemental Revenue Fund outside the appropriations process;

3) Article IV, Section 28 of the Constitution of Missouri provides that "No money shall be withdrawn from the state treasury except by warrant in accordance with an appropriation made by law...." In addition to the objections noted above, Senate Substitute for Senate Committee Substitute for House Bill No. 1041, and specifically section 620.467, RSMo, contravenes this constitutional provision by permitting the withdrawal or transfer of an unspecified amount of general revenue to the Division of Tourism Supplemental Revenue Fund outside the appropriations process;

4) Senate Substitute for Senate Committee Substitute for House Bill No. 1041, and specifically section 620.467, RSMo, inserts in lieu of the word "transfer" throughout the section the word "deposit". Missouri case law indicates that a legal distinction exists between those terms: a "transfer" of funds requires some sort of legal authorization; but "deposit" connotes a function of a collection process, a ministerial exercise involving no legal authorization for its existence. See *Stephens v. Bragg City*, 27 S.W.2d 1063 (Mo. App. 1930). If changing "transfer" to "deposit" was successful in its intent to direct the Treasurer to directly deposit the funds, it would cause an unlawful delegation of authority as the state treasurer would be required to determine the amount to be transferred which can only legally be determined by the General Assembly;

5) Article III, Section 21 provides that "no bill shall be so amended in its passage through either house as to change its original purpose." The title of House Bill 1041 as introduced in the House, as placed on the consent calendar, and as perfected and third read by the House was relating to "tourism tax trust funds in certain cities". Senate Substitute for Senate Committee Substitute for House Bill 1041 broadens the title to relating to "tourism". Based on the original title and purpose of House Bill 1041, section 620.467, RSMo, added in the Senate goes beyond the original purpose of the bill. Section 620.467 attempts to require the Treasurer to deposit general revenue into the Division of Tourism Supplemental Revenue Fund without an appropriation by the General Assembly. While one could argue that the subject matter of section 620.467 fits the title of "tourism" in the Senate Substitute for Senate Committee Substitute, it does not fit within the original title and goes well beyond the purpose of the original bill. See *Hammerschmidt v. Boone County*, 877 S.W.2d 98 (Mo. banc 1994).

Sincerely,

/s/ Wayne Goode

WAYNE GOODE

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HB 1041**, having passed both branches of the General Assembly, would be read at length by the Secretary, and the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT

RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 16**; **HCR 24** and **HCR 25** would be read at length by the Secretary and, if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were read by the Secretary and signed by the President Pro Tem.

On motion of Senator Kenney, the Senate adjourned sine die, pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

Journal of the Senate
NINETY-FIRST GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND REGULAR SESSION

VETO SESSION

FIRST DAY--WEDNESDAY, SEPTEMBER 11, 2002

The Senate was called to order in Veto Session by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

"So acknowledge today and take to heart that the Lord is God in heaven above and on the earth beneath; there is no other." (Deuteronomy 4:30)

Holy God, we gather today to complete our constitutional responsibilities, so we ask that You guide our decisions for good and actions for effective service. Yet as we gather we are mindful of the day and the devastation and the trauma one year ago. So we pray for Your healing and compassion to ease any pain by the survivors and the victims' families that continues as they remember this day. O Lord let us never forget the infamy of the terror that struck our country and give to our leaders strength to address the future responsibly. And, we pray, protect those who are in harm's way and help all of us to be instruments of Your justice and peace. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Rohrbach--1

Vacancies--1

The Lieutenant Governor was present.

The Senate observed a moment of silent prayer in memory of Gloria Gauck, wife of Reverend Carl Gauck.

On motion of Senator Kenney, the Senate recessed until 1:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

President Pro Tem Kinder read the following names of Missourians who lost their lives on 9/11/01: Denease Conley, Randy Drake, Julie Geis, Sergeant Major Lacy B. Ivory, John Willett and others known only to God.

The Senate observed a moment of silence in their memory.

RESOLUTIONS

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-first General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninety-first General Assembly.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 12, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Bill No. 961, entitled:

AN ACT

To repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eight new sections relating to police retirement systems.

I disapprove of House Committee Substitute for Senate Bill No. 961. My reason for disapproval is as follows:

This bill creates two new subsections of law, subsections 86.374.1(2) and 86.611.1(2), both of which state that "any policy adopted by the board in contravention of any provision in the statutes shall remain valid only until the close of the next regular session of the general assembly that convenes after the adoption of the policy unless the statutes are amended during the session to adopt and incorporate the policy within the statutes."

This unusual delegation of power would allow the relevant retirement board to promulgate policy that is inconsistent with state law for substantial periods of time. It is not wise policy to authorize the board to act in a manner that is above the law. Prior to the time the legislature acts to change retirement policy affecting the members of the retirement system by passing a bill and having it signed by the Governor, the board should continue to abide by state law.

For the above-stated reason for disapproval, I am returning House Committee Substitute for Senate Bill No. 961 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 12, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1070, entitled:

AN ACT

To repeal sections 43.540, 547.170, 589.400, and 589.410, RSMo, and to enact in lieu thereof four new sections relating to protection of children, with penalty provisions.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1070 (hereinafter SB 1070). My reasons for disapproval are as follows:

Subsection 589.400.1(5) of this bill requires a person to register as a sexual offender if he or she has committed or does commit a sexual offense in another state or under federal jurisdiction that would require them to register if they were in Missouri **and** if he or she is required to register in another state or under federal law.

The same subsection in both Conference Committee Substitute for House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 763, & 855 (hereinafter SB 969) and Conference Committee Substitute for House Committee Substitute for Senate Bill No. 758 (hereinafter SB 758), both of which were passed by the General Assembly during the 1992 session and signed into law on July 10, 2002, requires a person to register as a sexual offender if he or she has committed or does commit a sexual offense in another state or under federal jurisdiction that would require them to register if they were in Missouri **or** if he or she is required to register in another state or under federal law.

By creating two requirements for registration instead of one, SB 1070, as written, makes it more difficult for law enforcement to register sexual offenders relative to SB 969 and SB 758 and does not, therefore, protect the public interest and welfare to the same degree as SB 969 or SB 758. If all three bills are signed there would be a direct conflict between them, causing some question regarding which sexual offenders would be required to register.

I am compelled, therefore, to veto SB 1070 on technical grounds. SB 969 and SB 758, moreover, contain all of the other, correctly-drafted sections in SB 1070, ensuring that no useful public policy is lost by my technical veto of SB 1070.

For all of the above-stated reasons for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1070 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 12, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Bill No. 749, entitled:

AN ACT

To repeal sections 21.250 and 116.050, RSMo, relating to powers of the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

I disapprove of House Committee Substitute for Senate Bill No. 749. My reasons for disapproval are as follows:

Article III, section 52(b) of the Missouri Constitution specifies that the effective date of a measure referred to the people is the date on which the measure is "approved by a majority of the votes cast thereon, and not otherwise." Similarly, Article III, section 51 of the Missouri Constitution provides that the effective date for measures proposed by initiative is the date on which it is "approved by a majority of the votes cast thereon." Also, Article XII, section 2(b) provides that constitutional amendments approved by a majority of the votes cast thereon "shall take effect at the end of thirty days after the election."

This bill, which attempts to grant the authority to the General Assembly and to those who submit an initiative petition to set the effective dates of referenda and initiative measures, may in practice contravene these constitutional provisions unless the members of the General Assembly and those who submit petitions are careful to provide that the effective date is the constitutionally-required date in each instance. This bill is an unnecessarily confusing addition to settled law.

Furthermore, because the effective date of a referendum or initiative petition is the date of the public vote, or thirty days after the election for constitutional amendments, and because the voting date may be set by the General Assembly or the Governor depending on what is being voted upon (see Article III, section 52(b) and Article XII, section 2(b)), this bill may in practice unnecessarily impinge on the rights of the executive and legislative branches to set a voting date for certain public votes.

For all of the above-stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 749 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

State of Missouri

Jefferson City, Missouri

July 12, 2002

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 980, entitled:

AN ACT

To repeal section 334.540, RSMo, and to enact in lieu thereof one new section relating to the licensing of physical therapists.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 980. My reasons for disapproval are as follows:

This bill deletes the section of law that prohibits the board of registration for the healing arts from issuing a license to an out-of-state physical therapist who has failed a licensing examination three or more times. It does not, however, amend section 334.530, RSMo, which prohibits the board from issuing a license to in-state physical therapists who have failed the licensing examination three or more times. Nor does the bill amend sections 334.655 and 334.660, RSMo, which prohibit the board from issuing a license to in-state or out-of-state physical therapy assistants who have failed a licensure examination three or more times. Signing this bill, therefore, would result in similarly situated persons being treated differently under the law with no apparent rationale.

Furthermore, deleting the requirement that each out-of-state physical therapist who wishes to be licensed in this state come from a state "whose requirements are substantially equal to, or greater than, the requirements for licensure of physical therapists in Missouri at the time the applicant applies for licensure" also reduces protections for Missouri citizens who rely on physical therapists for treatment.

For all of the above-stated reasons for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 980 without my approval.

Respectfully submitted,

Bob Holden

Governor

Senator Kenney moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

HCS for SB 961 was called thereafter and no action was taken thereon.

HCS for SCS for SB 1070 was called thereafter and no action was taken thereon.

HCS for SB 749 was called thereafter and no action was taken thereon.

HCS for SCS for SB 980 was called thereafter and no action was taken thereon.

RESOLUTIONS

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of House Committee Substitute for Senate Bill No. 961; House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1070; House Committee Substitute for Senate Bill No. 749; and House Committee Substitute for Senate Committee Substitute for Senate Bill No. 980 when the bills were so called by

the President.

Senator Foster offered Senate Resolution No. 4, regarding William F. "Buck" Provance, Malden, which was adopted.

Senator Dougherty offered Senate Resolution No. 5, regarding the One Hundred Fifth Birthday of Jackie Duerbeck, St. Louis, which was adopted.

Senator Wiggins offered Senate Resolution No. 6, regarding Jim Turnbaugh, Grandview, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2002 Constitutional Veto Session and ready for consideration of business.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

July 3, 2002

Governor Bob Holden

State Capitol Building

Suite 216

Jefferson City, Missouri 65101

RE: Appointment, Labor and Industrial Relations Commission

Dear Governor Holden:

It is an honor to receive the nomination as the employer representative to the labor and Industrial Relations Commission. The opportunity to continue serving the citizens of Missouri in such a capacity is a privilege, and I am truly grateful.

Accordingly, I hereby resign the office of state Senator of the twenty-sixth district effective 12:00 pm, July 3, 2002, and accept the appointment to the Labor and Industrial Relations Commission pursuant to Article IV, Section 49, of the Missouri Constitution.

Sincerely,

/s/ David J. Klarich

David J. Klarich

Also,

September 10, 2002

Mrs. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of New Chairman of the Senate Judiciary Committee

Dear Terry:

Please consider this letter my official appointment of Senator Mike Gibbons as the Chairman of the Senate Judiciary Committee to replace Senator David Klarich.

Thank you for your assistance in this matter.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

September 10, 2002

Mrs. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment for the Joint Legislative Committee on Public Employee Retirement

Dear Terry:

Pursuant to Section 21.553 of the Missouri Revised Statutes (RSMo 2000), I am appointing Senator Wayne Goode to the Joint Committee on Public Employee Retirement to replace Senator Sidney Johnson who resigned from the Committee in July.

Thank you for your assistance in this matter.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Senator-elect Dr. Charles B. Wheeler, Jr., Kansas City.

Senator Kenney introduced to the Senate, Susan Jones, Liberty.

On motion of Senator Kenney, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

VETO SESSION

SECOND DAY--THURSDAY, SEPTEMBER 12, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

The Reverend Keith Simon offered the following prayer:

Father God, a year ago today we were still in shock over the evil events that had transpired on September 11th. Today, this September 12th, we are still sobered by the reality of the human condition and human suffering. After a day of reflection and remembering those who so valiantly served their fellow citizens, I pray that these Missouri Senators would approach their work and responsibilities with the same attitude of service realizing that they do not serve themselves but all Missourians. They do not serve themselves but they serve You - the God who established government and who gave them their position. Father their task is not an easy one. Often it isn't clear what the right decision is. There is always pressure from the outside. I pray that You might give them wisdom and humility and courage. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Pro Tem Kinder assumed the Chair.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Associated Press and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Rohrbach--1

Vacancies--1

The Lieutenant Governor was present.

COMMUNICATIONS

Senator Russell submitted the 2001-2002 Report of the Senate Interim Committee on Public Employee Collective Bargaining, copies of which are available in the office of the Secretary of Senate.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 7, regarding the online catalog Quest at Donald C. Proctor Library at State Fair Community College, Sedalia, which was adopted.

Senator Gross offered Senate Resolution No. 8, regarding the Fiftieth Wedding Anniversary of Mr. And Mrs. James Tucker, St. Charles, which was adopted.

Senator Schneider offered Senate Resolution No. 9, regarding Father Sylvester Bauer, St. Louis, which was adopted.

Senator Kenney offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 10

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program during the period of November 23, 2002 from 9:00 A.M. to 3:00 P.M. and December 5 through December 7, 2002.

Senator Wiggins offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 11

WHEREAS, the members of the Missouri Senate are aware that the long and faithful service of Mr. Fred Dreiling as Administrative Assistant and Chief of Staff to our colleague, the current Senator from the 10th District, Senator Harry Wiggins will end next January; and

WHEREAS, Fred Dreiling is a native of Kansas City, attended St. Thomas More Grade School, Rockhurst High School, and later enlivened the campus of the University of Missouri by his attendance there as a brilliant scholar and by his various student activities and especially his Fraternity leadership as a very active Phi Delta; and

WHEREAS, Fred Dreiling joined the Capitol Office of the 10th Senatorial District as Chief of Staff in 1993 and for 10 legislative sessions ran that office for his Senator with great efficiency, poise and competence while at the same time enriching the entire Senate by his engaging personality, his keen wit and charm and his ability to deal in perfect satisfaction, with all people, whoever they were, wherever they were from, all of whom left with the good feeling they had dealt with a warm and engaging young man who treated them like all people dream of being treated; and

WHEREAS, Fred Dreiling spent much time serving the Committees of the Senate on which his Senator served, particularly almost ten years as Staff Chief for the very important Senate Ways and Means Committee while Senator Wiggins served as Chairman, while at the same time Fred Dreiling found time to provide leadership for the Senate's extracurricular activities serving as Captain of various teams in softball, basketball,

bowling and golf, and was a dynamic leader for the Senate as Chairman of the Hospitality booth for the Missouri Senate at the NCSL Convention in Milwaukee and as Co-Chair with Senator Wiggins and others of the Host Committee for the NCSL Convention in St. Louis the next year and finally as Chairman of Arrangements for the Convention of the National Conference of Commissioners on Uniform State Laws which the Missouri Senate hosted in Kansas City in 1995; and

WHEREAS, Fred Dreiling is the son of Dr. Ron Dreiling, DDS, and Mrs. D'Anne Purcell Dreiling and has four outstanding sisters and brothers, Maria, Michele, Ronnie and Tom:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute Fred J. Dreiling not only for his outstanding service to Senator Harry Wiggins and the 10th Senate District but for his kindness and courtesy for 10 years to all the members of the Senate and the Senate Staff and extend to Fred Dreiling as he looks to the future very best wishes from the entire Senate for many long years continued success, good health, and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Fred Dreiling, family and friends.

Senator Singleton assumed the Chair.

President Pro Tem Kinder assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS** for **SCS** for **HCS** for **HB 1108**, **CCS** for **SCS** for **HCS** for **HB 1111**, **CCS** for **SCS** for **HCS** for **HB 1112**, **SCS** for **HB 1495**, **CCS** for **SS** for **HB 1748** and **SCS** for **HB 1789**, when the bills were called by the Speaker.

INTRODUCTIONS OF GUESTS

On behalf of Senator Kinder, the President introduced to the Senate, Rev. Keith Simon, and his children, Madeline and Nathan, Columbia; and Madeline and Nathan were made honorary pages.

Senator Kennedy introduced to the Senate, Chris J. Roberts, Sacramento, California; and Jane A. Thompson, Omaha, Nebraska.

Senator Westfall introduced to the Senate, his wife, Sharon, and their grandson, Cody Ray Westfall, Halfway; and Cody Ray was made an honorary page.

Senator Goode introduced to the Senate, Senator-elect Rita Days, St. Louis.

On motion of Senator Kenney, the Senate adjourned sine die pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of Senate